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DRAFT
South Bascom Gateway Station Project
File Nos. PDC17-047 and PD18-015
Initial Study/Mitigated Negative Declaration
City of San José, Santa Clara County, California

Prepared for:

City of San José
Planning Division
200 East Santa Clara Street
Tower, 3rd Floor
San José, CA 95113
408.535.7874

Contact: Krinjal Mathur, Planner

Prepared by:

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Contact: Jason Brandman, Project Director
Grant Gruber, Project Manager

Report Date: June 27, 2019

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MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

PROJECT NAME: South Bascom Gateway Station Project

PROJECT FILE NUMBER: PDC17-047 and PD18-015

PROJECT DESCRIPTION: Planned Development Zoning (Signature Project) from the CP Commercial Pedestrian Zoning District to the CP (PD) Planned Development Zoning District to allow up to 600 residential units and a minimum of 200,000 square feet (maximum 300,000 square feet) of commercial/retail uses and Planned Development Permit to allow the demolition of approximately 76,894 square feet of existing commercial buildings, and the construction of an approximately 200,000-square foot office building, 590 residential units, an alternative parking arrangement (tandem parking), and the removal of 17 on-site ordinance sized trees, two on-site non-ordinance sized trees, and three ordinance sized street trees on a 6.98-gross acre site.

PROJECT LOCATION: Northeast corner of South Bascom Avenue and Southwest Expressway, at 1330, 1388, and 1410 South Bascom Avenue.

ASSESSORS PARCEL NOS.: 282-26-007, 282-26-011 and 282-26-012 **COUNCIL DISTRICT:** 6

APPLICANT CONTACT INFORMATION: Bay West Development (Attn: Peter Beritzhoff), 1725 South Bascom Avenue Suite 1050, Campbell, CA 95008

FINDING

The Director of Planning, Building and Code Enforcement finds the project described above would not have a significant effect on the environment if certain mitigation measures are incorporated into the project. The attached Initial Study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this Mitigated Negative Declaration (MND), has made or agrees to make project revisions that will clearly mitigate the potentially significant effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

A. **AESTHETICS** – The project would not have a significant impact on this resource, therefore no mitigation is required.

B. **AGRICULTURE AND FORESTRY RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.

C. AIR QUALITY.

Impact AIR-1: Construction activities associated with the proposed project would exceed infant cancer risk and $PM_{2.5}$ emissions of acceptable thresholds near the project site.

MM AIR-1a: Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the project applicant and/or construction contractor shall prepare a construction operations plan that, during construction activities, requires all off-road equipment with engines greater than 50 horsepower to meet either EPA particulate matter emissions standards for Tier 4 Interim engines or include ARB-certified Level 3 Diesel Particulate Filters. The construction contractor shall maintain records documenting its efforts to comply with this requirement, including equipment lists. Off-road equipment descriptions and information shall include, but are not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.

The project applicant and/or construction contractor shall submit the construction operations plan and records of compliance to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement.

MM AIR-1b: Alternatively, in lieu of the Tier 4 Interim engines identified in MM AIR-1a, the construction contractor may use other measures to minimize DPM emissions to reduce the estimated cancer risk below the thresholds. If any of these alternative measures are proposed, the project applicant and/or construction contractor shall include them in the construction operations plans that include specifications of the equipment to be used during construction. Furthermore, a signed letter by a qualified air quality specialist shall accompany the construction operations plan, which verifies that the equipment included in the plan meets the health risk standards set forth in this mitigation measure.

Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the project applicant and/or construction contractor shall submit the construction operations plan and signed letter by a qualified air quality specialist to the Supervising Environmental Planner of Department of Planning, Building, and Code Enforcement.

D. BIOLOGICAL RESOURCES.

Impact BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.

MM BIO-1: Construction activities shall be scheduled to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

If demolition and construction cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for

nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the CDFW, shall determine the extent of a construction-free buffer zone to be established around the nest (typically 250 feet) to ensure that raptor or migratory bird nests shall not be disturbed during project construction.
The project applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement prior to issuance of any tree removal, demolition permits, or grading permits (whichever occurs earliest).

E. CULTURAL AND TRIBAL CULTURAL RESOURCES – The project would not have a significant impact on this resource, therefore no mitigation is required.

F. ENERGY – The project would not have a significant impact on this resource, therefore no mitigation is required.

G. GEOLOGY AND SOILS – The project would not have a significant impact on this resource, therefore no mitigation is required.

H. GREENHOUSE GAS EMISSIONS – The project would not have a significant impact on this resource, therefore no mitigation is required.

I. HAZARDS AND HAZARDOUS MATERIALS.

Impact HAZ-1: Ground-disturbance activities can release petroleum contamination from underground storage tanks on the project site, which could expose construction workers, future employees, and/or the environment to a significant health risk.

MM HAZ-1: The project applicant shall retain a qualified professional to perform a Phase II soil and groundwater investigation to evaluate the underground tanks that were closed in-place in 1975. The applicant shall obtain permits under the direction of the regulatory oversight agency (Santa Clara County Department of Environmental Health [SCCDEH]) to remove the underground tanks that were closed in-place and perform soil sampling beneath the tanks after removal.

If petroleum contamination is found from the closed underground tanks, then a fuel leak case must be opened with the regulatory oversight agency with the SCCDEH to investigate the extent of contamination and perform remediation, if required. This process will ensure construction worker safety, as well as protecting public health and the environment.

Depending upon the findings of the Phase II soil and groundwater investigation and regulatory response, a SMP, Health and Safety Plan , or similar document may need to be in-place prior to and during construction to protect construction worker safety, the public, and the environment. A copy of the Phase II investigation report and evidence of regulatory oversight shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department prior to issuance of any grading permits.

J. HYDROLOGY AND WATER QUALITY – The project would not have a significant impact on this resource, therefore no mitigation is required.

K. **LAND USE** – The project would not have a significant impact on this resource, therefore no mitigation is required.

L. **MINERAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.

M. **NOISE AND VIBRATION.**

Impact NOI-1: Construction of the proposed project would last more than 12 months and would result in potential construction noise impacts in the vicinity of sensitive residential land uses.

MM NOI-1: The project applicant shall retain a qualified professional to prepare a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who shall respond to neighborhood complaints. Measures from this plan shall be included on all approved grading and building permit plans. Measures to be included in the plan shall include, but are not limited to, the following:

- Notifying the neighborhood of the construction activities and construction schedule (including estimated dates of various construction phases) at least one week and no more than three weeks prior to the start of construction.
- Prohibit unnecessary idling of internal combustion engines. Equipment shall be shut off when not in use and the maximum idling time shall be limited to five minutes.
- In order to minimize construction noise impacts, best available noise control practices and equipment (including mufflers, intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) shall be used for all heavy earthmoving equipment, impact tools, compressors, engine generators, and diesel-fueled trucks. A letter from a qualified acoustic specialist shall be attached to the plan along with a list of proposed construction equipment, certifying that the proposed construction equipment includes the best available noise attenuating technologies.
- Prohibit the use of impact pile driving as a foundation construction method. Require alternate methods of construction such as pre-drilling and auger case piles, if needed.
- If impact equipment (e.g., jack hammers, pavement breakers, or rock drills) is needed during construction, hydraulically or electric-powered equipment shall be used wherever feasible to avoid the noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used. External jackets on the tools themselves shall also be used if available and feasible.
- Locate equipment at the work area as far away from the nearby residential areas as possible to maximize the distance to noise-sensitive receptors and to take advantage of any shielding that may be provided by other on-site equipment.
- Designate a "noise disturbance coordinator" who shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.

The construction noise logistics plan shall be reviewed and approved by the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code

Enforcement prior to issuance of any grading permit and/or building permits.

N. **POPULATION AND HOUSING** – The project would not have a significant impact on this resource, therefore no mitigation is required.

O. **PUBLIC SERVICES** – The project would not have a significant impact on this resource, therefore no mitigation is required.

P. **RECREATION** – The project would not have a significant impact on this resource, therefore no mitigation is required.

Q. **TRANSPORTATION** – The project would not have a significant impact on this resource, therefore no mitigation is required.

R. **UTILITIES AND SERVICE SYSTEMS** – The project would not have a significant impact on this resource, therefore no mitigation is required.

S. **WILDFIRE** – The project would not have a significant impact on this resource, therefore no mitigation is required.

T. **MANDATORY FINDINGS OF SIGNIFICANCE**

The project would not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Monday, July 29, 2019** any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or

2. Submit written comments regarding the information and analysis in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Krinjal Mathur
Environmental Project Manager

6/24/19
Date

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

Deputy

Circulation period: June 27, 2019 to July 29, 2019

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SECTION 1: INTRODUCTION

1.1 - PURPOSE

The purpose of this Initial Study/Mitigated Negative Declaration (IS/MND) is to identify any potential environmental impacts from implementation of the South Bascom Gateway Station in the City of San José, California. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15367, the City of San José is the Lead Agency in the preparation of this IS/MND and any additional environmental documentation required for the project. The City has discretionary authority over the proposed project. The intended use of this document is to determine the level of environmental analysis required to adequately prepare the project IS/MND and to provide the basis for input from public agencies, organizations, and interested members of the public.

The remainder of this section provides a brief description of the project location and the characteristics of the project. Section 2 includes an environmental checklist giving an overview of the potential impacts that may result from project implementation. Section 3 elaborates on the information contained in the environmental checklist, along with justification for the responses provided in the environmental checklist.

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SECTION 2: PROJECT INFORMATION

2.1.1 - Project Title and File Number

South Bascom Gateway Station Project
File Nos. PDC17-047 and PD18-015

2.1.2 - Project Location

1330, 1388, and 1410 South Bascom Avenue, San José, California

2.1.3 - Lead Agency Contact

City of San José
200 East Santa Clara Street, Tower, 3rd Floor
San José, California 95113

Krinjal Mathur, Planner
Phone: (408) 535-7874
Email: krinjal.mathur@sanjoseca.gov

2.1.4 - Property Owner/Project Applicant

Peter Beritzhoff
Bay West Development
1725 South Bascom Avenue, Suite 1050
Campbell, California 95008

2.1.5 - Assessor's Parcel Numbers

282-26-007, -011 and -012

2.1.6 - Zoning District and General Plan Designations

Existing

Zoning: CP Commercial Pedestrian
General Plan: Urban Village Commercial

Proposed

Zoning: CP(PD) Planned Development
General Plan: Urban Village Commercial

2.1.7 - Project-Related Approvals, Agreements and Permits

- Planned Development Rezoning
- Planned Development Permit
- Public Works Clearances: Grading Permit
- Building Clearances: Demolition Permit, Building Permit

2.1.8 - Habitat Plan Designation

The project site is within the Santa Clara Valley Habitat Plan area, below indicates the site's designation:

- Land Cover Designation: "Urban-Suburban"
- Private Development Area 4: Urban Development Equal to or Greater than 2 Acres Covered
- Land Cover Fee Zones: Urban Areas (No Land Cover Fee)

The project site is not located within a burrowing owl fee zone, wetland fee zone, serpentine fee zone, plant survey area, or a wildlife survey area. The project site is not located next to, or adjacent to, a designated reserve.

2.2 - PROJECT LOCATION

The project site is located at 1330, 1388, and 1410 South Bascom Avenue in the City of San José, Santa Clara County, California; refer to Exhibit 1. The 6.98-acre, triangular-shaped project site is bounded by South Bascom Avenue (west), commercial office and multi-family residential uses (north), and the Santa Clara Valley Transportation Authority (VTA) rail line/Union Pacific Railroad Vasona Branch Line (east and south); refer to Exhibit 2. The project site consists of three parcels: Assessor's Parcel Numbers (APNs) 282-26-007, -011, and -012. The project site is located in the San José West, California United States Geological Survey 7.5-Minute Quadrangle, Range 1 West, Township 7 South, Section 25 (Latitude 37° 17' 56" North; Longitude 121° 55' 51").

2.3 - ENVIRONMENTAL SETTING

2.3.1 - Site History

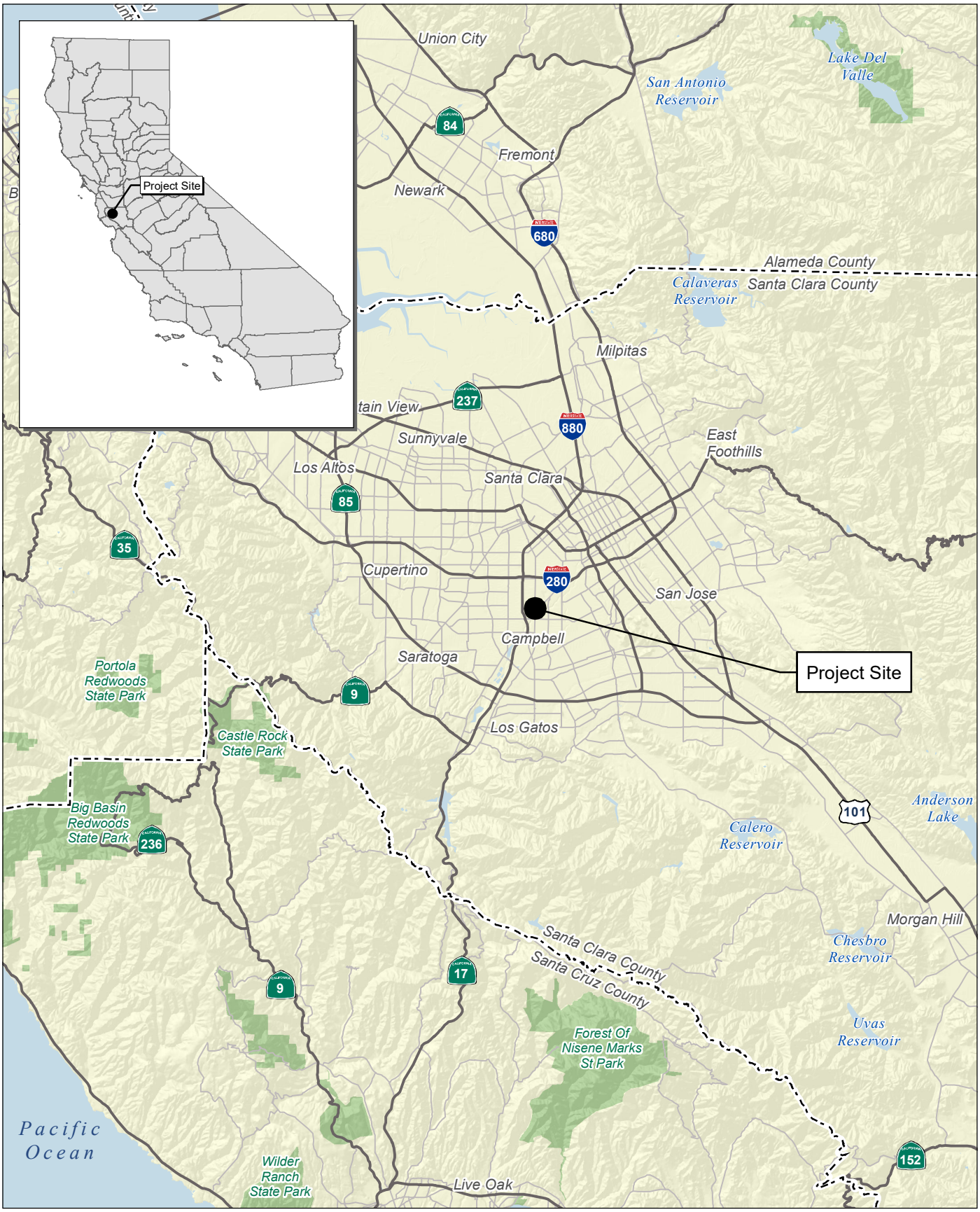
The project site originally supported orchards until the 1950s when it was developed as commercial and industrial uses. Such uses included paint manufacturing, supermarket, laundry, delicatessen, catering, restaurant, bazar, automotive repair, and similar commercial uses.

2.3.2 - Existing Development and Land Use Activities

The project site is generally flat and triangular in shape. The project site contains five commercial buildings totaling 76,984 square feet. Four buildings are set against the hypotenuse boundary with the light rail line and face South Bascom Avenue, while the fifth is located in the northwest corner along South Bascom Avenue. Several of the buildings are tenanted, while others are vacant and show signs of physical deterioration. A large surface parking lot is located between the buildings and the South Bascom Avenue frontage. Vehicular access is taken from several driveways on South Bascom Avenue.

The project site contains 39 existing trees ranging from 5 to 58 inches diameter. The trees are planted along the project frontage with South Bascom Avenue and the property lines with the adjoining uses. The three most common tree species are Australian willow, Raywood ash, and African fern pine.

Site photographs are provided in Exhibit 3.



Source: Census 2000 Data, The CaSIL.

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5 2.5 0 5 Miles

Exhibit 1
Regional Location Map

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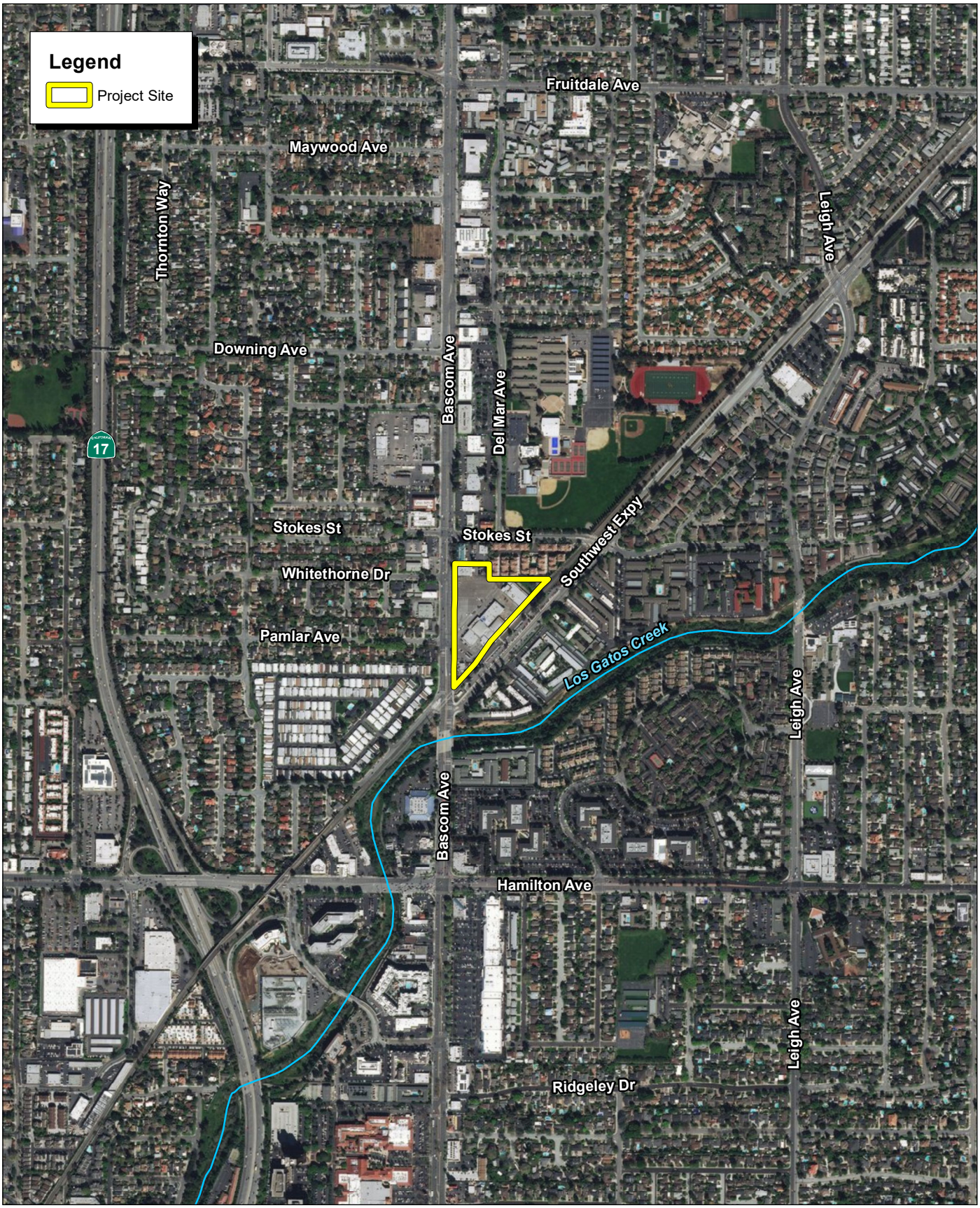

Source: ESRI Aerial Imagery.

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1,000 500 0 1,000 Feet

Exhibit 2
Local Vicinity Map
Aerial Base

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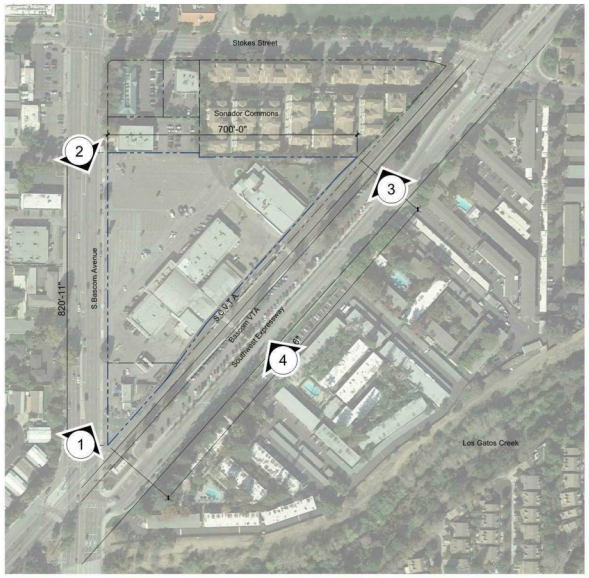

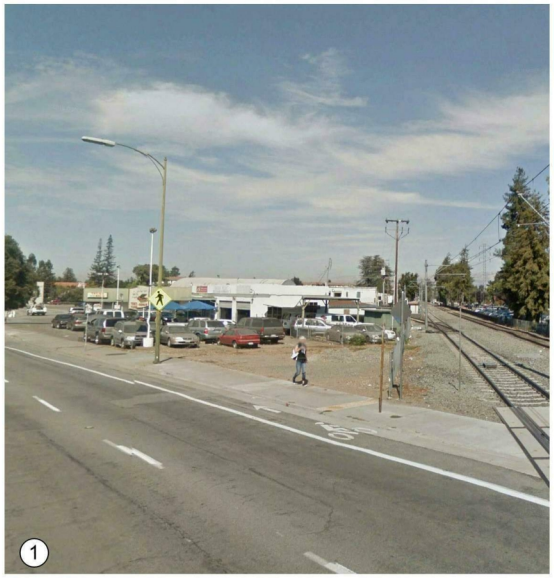

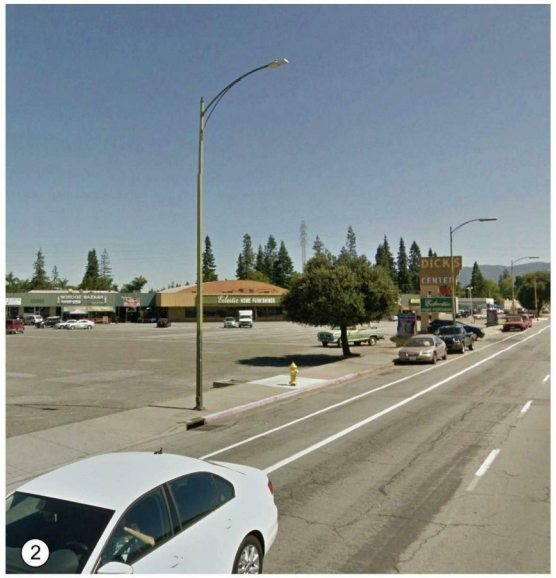

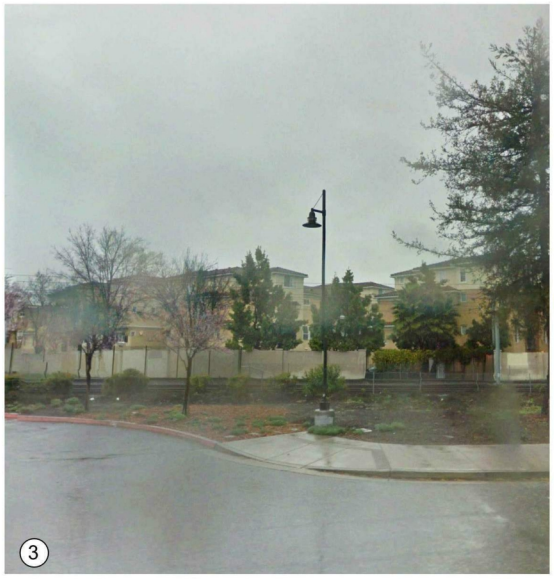

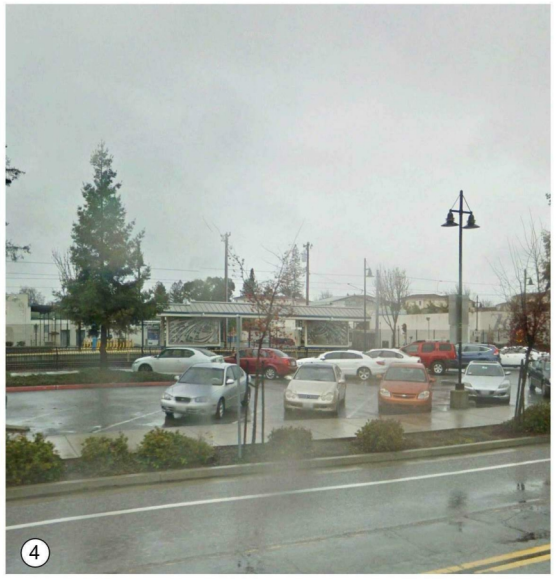

Source: Carlson, Barbee & Gibson, Inc. GLS Landscape Architecture, April 30, 2018.

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Exhibit 3
Site Photographs

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2.3.3 - Land Use Designations

The project site is designated *Urban Village Commercial* in the Envision San José 2040 General Plan Land Use/Transportation Diagram and is located within the South Bascom (North) Urban Village boundaries. The project site is zoned CP—Commercial Pedestrian.

The project site is located in the southern tip of the South Bascom (North) Urban Village Plan boundary. The South Bascom (North) Urban Village Plan is intended to help shape the vision for the transformation of the South Bascom Avenue corridor. The South Bascom (North) Urban Village Plan encompasses properties along the corridor running south from the intersection of South Bascom Avenue and Interstate 280 (I-280), and along the Southwest Expressway. The "urban village" planning concept reflects the City's adopted growth strategy for future development in San José.

Consistent with the General Plan, the South Bascom (North) Urban Village Plan is intended to support land use planning efforts to create a more urbanized and walkable corridor. The village plan contains goals, policies, actions, and urban design guidelines to guide future development and materialize the City's broader land use planning efforts. The South Bascom (North) Urban Village Plan has a growth capacity of up to 1,560 new dwelling units and 1,000 jobs (i.e., 300,000 square feet of commercial uses), and height limits of 150 feet or 12 stories.

2.3.4 - Surrounding Land Uses

West

The land uses to the west of the project site across South Bascom Avenue are commercial/retail and a residential neighborhood. Commercial businesses range from automotive care and spas to convenient retail. The residential neighborhood is comprised of single-family ranch-style homes and medium-density housing.

North

The land uses to the north of the project site consist of a range of land uses. Multi-family residential and commercial uses abut the project site's northern boundary. Del Mar High School is approximately 300 feet north of the project site.

East and South

The project's eastern boundary is formed by the VTA light rail line/Vasona Branch Line right-of-way.[1] The VTA Bascom Station is located east of the project site. Multi-family residential uses are located on the other side of the rail line. Los Gatos Creek, which meanders in a southeast to northwest direction, is located south of the multi-family residential uses.

[1] The Vasona Branch Line extends from Downtown San José to the Lehigh Hanson Cement Plant in Cupertino. The VTA Vasona Light Rail line shares the Vasona Branch Line right-of-way from Downtown San José to Winchester Boulevard in Campbell.

2.4 - PROJECT DESCRIPTION

2.4.1 - Summary

The project applicant is proposing to rezone the project site, demolish the existing structures (approximately 76,894 square feet), and develop a new office/residential mixed-use development on the project site. The residential building is approximately 585,240 gross square feet with 590 units (maximum 600 units allowed) and the office building is approximately 200,000 gross square feet (maximum allowable 300,000 gross square feet). The proposed project would develop a combined 785,240 square feet of new commercial and residential uses on the project site. The net area proposed for development consists of approximately 6.98 gross acres (6.77 net acres). The project would have a 10-foot public street easement of approximately 0.21 acre for a 10-foot right-of-way along South Bascom Avenue. The project also includes an alternative parking arrangement (tandem parking) for the residential building and the removal of 17 on-site ordinance-sized trees, one on-site non-ordinance sized tree, and three ordinance sized street trees. Between the two buildings will be an approximately 42,233-square-foot publicly-accessible plaza. For the purposes of this IS/MND, the maximum development allowed by zoning will be used as the basis for assessing impacts.

The project is a Signature Project, under General Plan Implementation Policy IP-5.10, within the South Bascom Urban Village. Exhibit 4 depicts the Planned Development Permit site plan and sections below provide more detailed project description information.

2.4.2 - Planned Development Rezoning

The site would be rezoned from CP–Commercial Pedestrian Zoning District to CP(PD) Planned Development Zoning District. The commercial uses would be consistent with allowed uses in the Urban Village Commercial designation of the South Bascom (North) Urban Village Plan. Furthermore, the amount of commercial uses provided allow the residential uses under the General Plan signature project policy and South Bascom (North) Urban Village Plan Land Use Policy IP-5.10.

2.4.3 - Planned Development Permit

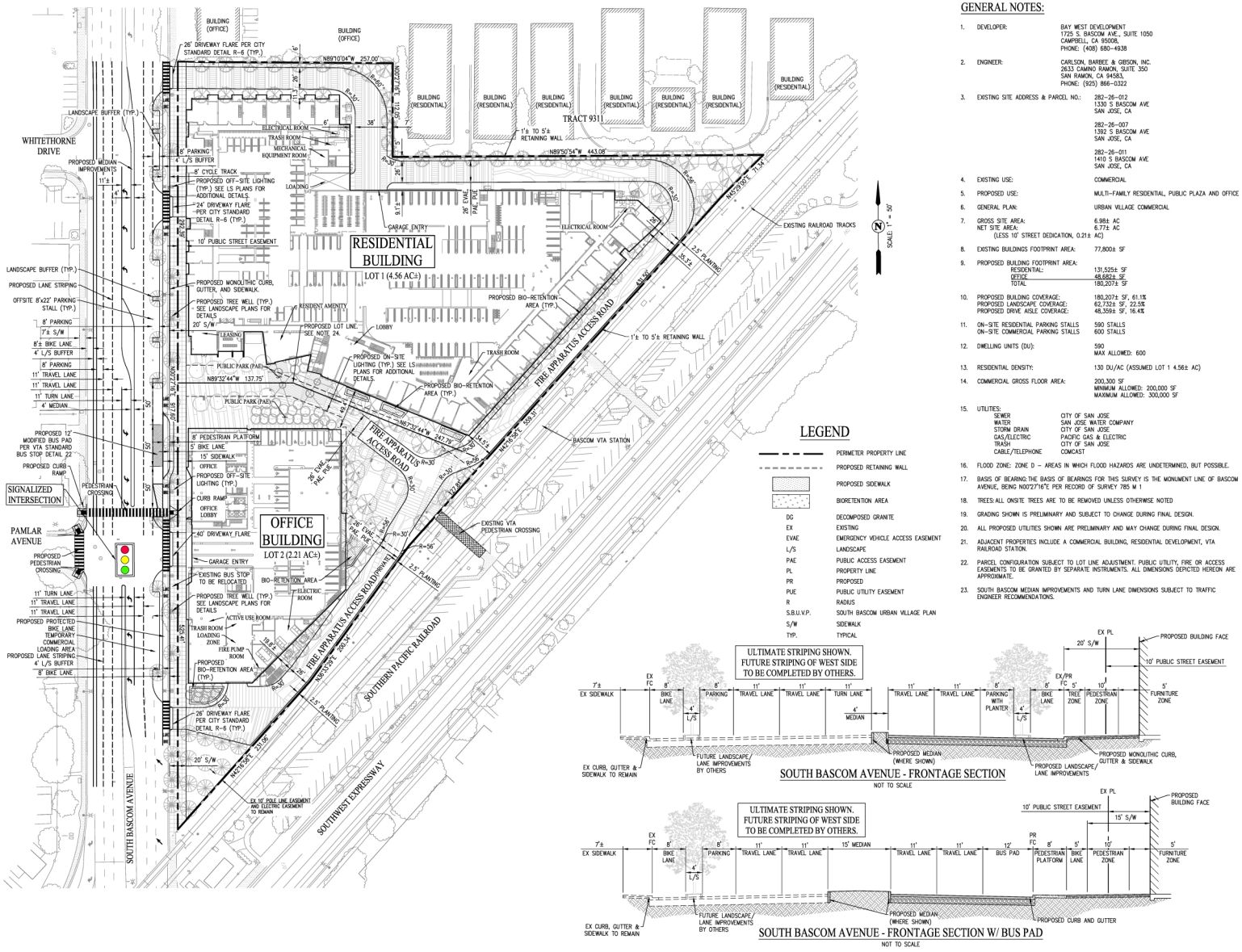
The proposed project consists of a commercial/office and residential component.

Office

The office building would provide 300,000 square feet of floor area. The surrounding area would be landscaped with two public plazas with sculptural features. A decomposed granite walking/jogging path would connect the plazas to South Bascom Avenue and the VTA station platform. Per the South Bascom (North) Urban Village Plan, building heights would be allowed up to 150 feet. The office building would be approximately 139 feet above finished grade, with rooftop mechanical screening.

Residential

The residential building would provide up to 600 units. Similar to the office building, the ground floor would contain active uses. A lobby and leasing office would be located in the northwest corner of the project site to serve residents. The residential component also includes a pool and spa area. The walking/jogging path would connect to plazas leading to South Bascom Avenue and the VTA station platform.



GENERAL NOTES:

1. DEVELOPER: BAY WEST DEVELOPMENT, 1725 S. BASCOM AVE., SUITE 1050, CAMPBELL, CA 95008, PHONE: (408) 680–4938
2. ENGINEER: CARLSON, BARBEE & GIBSON, INC., 2633 CAMINO RAMON, SUITE 350, SAN RAMON, CA 94583, PHONE: (925) 866–0322
3. EXISTING SITE ADDRESS & PARCEL NO.: 282–26–012, 1330 S BASCOM AVE, SAN JOSE, CA; 282–26–007, 1392 S BASCOM AVE, SAN JOSE, CA; 282–26–011, 1410 S BASCOM AVE, SAN JOSE, CA
4. EXISTING USE: COMMERCIAL
5. PROPOSED USE: MULTI–FAMILY RESIDENTIAL, PUBLIC PLAZA AND OFFICE
6. GENERAL PLAN: URBAN VILLAGE COMMERCIAL
7. GROSS SITE AREA: 6.98± AC; NET SITE AREA: 6.77± AC (LESS 10' STREET DEDICATION, 0.21± AC)
8. EXISTING BUILDINGS FOOTPRINT AREA: 77,800± SF
9. PROPOSED BUILDING FOOTPRINT AREA: RESIDENTIAL: 131,525± SF; OFFICE: 48,682± SF; TOTAL 180,207± SF
10. PROPOSED BUILDING COVERAGE: 180,207± SF, 61.1%; PROPOSED LANDSCAPE COVERAGE: 62,732± SF, 22.5%; PROPOSED DRIVE AISLE COVERAGE: 48,359± SF, 16.4%
11. ON–SITE RESIDENTIAL PARKING STALLS 590 STALLS; ON–SITE COMMERCIAL PARKING STALLS 600 STALLS
12. DWELLING UNITS (DU): 590, MAX ALLOWED: 600
13. RESIDENTIAL DENSITY: 130 DU/AC (ASSUMED LOT 1 4.56± AC)
14. COMMERCIAL GROSS FLOOR AREA: 200,300 SF, MINIMUM ALLOWED: 200,000 SF, MAXIMUM ALLOWED: 300,000 SF
15. UTILITIES: SEWER CITY OF SAN JOSE; WATER SAN JOSE WATER COMPANY; STORM DRAIN CITY OF SAN JOSE; GAS/ELECTRIC PACIFIC GAS & ELECTRIC; TRASH CITY OF SAN JOSE; CABLE/TELEPHONE COMCAST
16. FLOOD ZONE: ZONE D – AREAS IN WHICH FLOOD HAZARDS ARE UNDETERMINED, BUT POSSIBLE.
17. BASIS OF BEARING: THE BASIS OF BEARINGS FOR THIS SURVEY IS THE MONUMENT LINE OF BASCOM AVENUE, BEING N00°27'16"E PER RECORD OF SURVEY 785 M 1
18. TREES: ALL ONSITE TREES ARE TO BE REMOVED UNLESS OTHERWISE NOTED
19. GRADING SHOWN IS PRELIMINARY AND SUBJECT TO CHANGE DURING FINAL DESIGN.
20. ALL PROPOSED UTILITIES SHOWN ARE PRELIMINARY AND MAY CHANGE DURING FINAL DESIGN.
21. ADJACENT PROPERTIES INCLUDE A COMMERCIAL BUILDING, RESIDENTIAL DEVELOPMENT, VTA RAILROAD STATION.
22. PARCEL CONFIGURATION SUBJECT TO LOT LINE ADJUSTMENT. PUBLIC UTILITY, FIRE OR ACCESS EASEMENTS TO BE GRANTED BY SEPARATE INSTRUMENTS. ALL DIMENSIONS DEPICTED HEREON ARE APPROXIMATE.
23. SOUTH BASCOM MEDIAN IMPROVEMENTS AND TURN LANE DIMENSIONS SUBJECT TO TRAFFIC ENGINEER RECOMMENDATIONS.

Source: Carlson, Barbee & Gibson, Inc. - Civil Engineers | The Guzzardo Partnership, Inc. - Landscape Architects/Land Planners, April 29, 2019.

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Exhibit 4
Site Plan

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Proposed residential development would provide a range of housing options. The project would provide a mix of studio, 1-bedroom, and 2-bedroom units. The net density would be 130 dwelling units per acre. Per City development standards, the project would open space comprised of residential podiums and patios. In addition, the project would include public open space per city development standards. The residential building would be approximately 85 feet high above finished grade.

2.4.4 - Site Layout

Office uses would consist of up to 300,000 gross square feet allocated over a 12-level building. Ten levels would be above grade, while two levels would be below grade. Residential uses would consist of up to 600 dwelling units allocated over a six level building. On-site parking would span six levels, providing approximately 600 parking spaces. In addition, the project would provide a publically-accessible outdoor space and plaza that connects South Bascom Avenue to the adjacent Bascom Station VTA platform. In total, with the commercial and residential project components, the project would result in a floor-area-ratio (FAR) of 2.66.

Office uses would occupy the southern portion of the site. Residential uses would occupy the northern portion of the project site. The two buildings would be located along South Bascom Avenue and contain active uses at the ground level. The residential building would incorporate a pedestrian walkway to connect with surrounding uses. In addition, the project would be designed to interface with the neighboring Bascom Light Rail VTA Station.

2.4.5 - Landscaping

The proposed project would involve removal of 21 of the 39 existing trees on the project site. The remaining 17 trees retained would be incorporated into the landscaping.

The project would plant new trees along South Bascom Avenue and include landscaped areas with a mix of shrubs and groundcover. New landscaping would complement the common areas as well as enhance a proposed centrally located public plaza. The interior of the residential building would contain raised planters and privacy plantings along the pool/spa area and adjacent to the apartments. In addition, the project would incorporate sculptural and art elements into common areas throughout the project site.

2.4.6 - Setbacks

From the north property line, the residential building would be setback 36 feet to allow for a 5-foot sidewalk, 26-foot emergency vehicle access route, and 4 feet for landscaping. From the southeast property line, the commercial building would be setback approximately 31 feet to allow the continued 26-foot emergency access route, a 3-foot fence, and 3-foot sidewalk. No setback is proposed along South Bascom Avenue.

2.4.7 - Access

Access to the proposed project would be taken from South Bascom Avenue. The mid-block intersection at South Bascom Avenue/Pamlar Avenue would be signalized with pedestrian crosswalks. Other street improvements include landscaped sidewalks, turn lanes, median and lane stripping.

Primary vehicular access would be provided from South Bascom Avenue with two access points for entering the residential (to the north) and office building (to the south) parking garages. The project would incorporate an on-site residential service route along the northern portion of the project site. The service route would provide a second point of access to enter the residential parking garage from the interior of the project site.

A bicycle route is planned along the South Bascom Avenue building frontages with interconnected pedestrian paths that lead into the proposed interior public plaza. The paths would draw foot traffic from South Bascom Avenue between the residential and office buildings. The paths and plaza would lead to the existing VTA station platform centrally located in the eastern portion of the project site.

The project proposes to relocate an existing bus stop located in the southern corner of the site to the project's mid-block area. The relocated bus stop would be closer to proposed residential uses but in close proximity to the proposed office building. A loading zone would also be located in front of the office building. The relocated bus stop and new loading zone would be located along South Bascom Avenue.

The project incorporates a 26-foot emergency vehicle access zone that leads from the southern end of the project site at South Bascom Avenue and parallels the VTA rail tracks to the east. The public plaza would accommodate emergency vehicle access into the project interior. The access zone would then connect to the residential service route in the northeast corner and then reconnect to South Bascom Avenue in the northwest corner of the project site.

2.4.8 - Parking

The project would include 1,243 on-site parking spaces with eleven off-site parking stalls included on South Bascom Avenue. These parking spaces include motorcycle, accessible, clean air vehicles, and EV spaces. The South Bascom (North) Urban Village allows parking reductions up to 20 percent. The project is proposing a 19 percent reduction in residential parking requirements and a 12 percent reduction in commercial/office parking requirements. Additionally, the project is providing both short- and long-term bicycle parking for the residential use and short-term bicycle parking for the commercial use.

The office building and residential building would each have separate main access points. Access to the parking garages would be provided by two entrances to the north and to the south of South Bascom Avenue. The residential building would have a second access point provided by a proposed route along the northern portion of the site that leads into the interior. In addition, the project would provide on-site bicycle parking spaces that connect with the proposed bicycle path along South Bascom Avenue.

2.4.9 - Construction

Project construction would occur over an estimated 28-month period. Construction activities would include typical phases such as demolition, site preparation and grading, building construction, paving and architectural coating. For the purposes of this IS/MND, construction is assumed to begin in June 2020 and would be completed in November 2022.

2.5 - REQUIRED DISCRETIONARY APPROVALS

Discretionary approvals and permits are required by the City of San José for implementation of the proposed project. The project applicant would require the following discretionary approvals and actions, including:

- Planned Development Rezoning
- Planned Development Permit

Subsequent ministerial actions would be required for the implementation of the proposed project including issuance of demolition, grading and building permits.

2.6 - INTENDED USES OF THIS DOCUMENT

This IS/MND has been prepared to determine the appropriate scope and level of detail required in completing the environmental analysis for the proposed project. This document will also serve as a basis for soliciting comments and input from members of the public and public agencies regarding the proposed project. The Draft IS/MND will be circulated for a minimum of 30 days, during which time comments concerning the analysis contained in the IS/MND should be sent to:

City of San José
Planning, Building, and Code Enforcement Department
Attn: Krinjal Mathur
200 East Santa Clara Street, Tower 3rd Floor
San José, CA 95113
Phone: 408.535.7874

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SECTION 3: SETTING, ENVIRONMENTAL CHECKLIST AND IMPACTS

This section describes the existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant project impacts. "Mitigation Measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines § 15370).

Note to the Reader: In a December 2015 opinion [*California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (No. S 213478)], the California Supreme Court confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment and not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of San José currently has policies that address existing conditions (e.g., noise) affecting a proposed project, which are also addressed below. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an "environmental impact" as defined by CEQA.

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this chapter will discuss "planning considerations" that relate to City policies pertaining to existing conditions. Such examples include but are not limited to locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

3.1 - AESTHETICS

Applicable Plans, Policies, and Regulations

Scenic Highways Program

The State Scenic Highways Program is under the jurisdiction of the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The State laws governing the Scenic Highway Program are found in the Streets and Highway Code, Sections 260 through 263. The nearest State-designated Scenic Highway is State Route (SR)-9, which is approximately 5 miles southwest of the site.

Envision San José 2040 General Plan

The City's General Plan Scenic Corridors Diagram identifies Gateways and Urban Throughways where preservation and enhancement of views of the natural and man-made environment are crucial. The project site is not on or adjacent to any Gateways. The City of San José has designated I-280 as an Urban Throughway. The SR-237 corridor extends east-west, and is located to the north of the project site.

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following policies are specific to aesthetic resources and are applicable to the proposed project.

Envision San José 2040 Relevant Aesthetic Policies

Policies	Description
Policy CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-1.13	Use design review to encourage creative, high quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.
Policy CD-1.18	Encourage the placement of loading docks and other utility uses within parking structures or at other locations that minimize their visibility and reduce their potential to detract from pedestrian activity.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

3.1.1 - Environmental Checklist and Impact Discussion

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐	1-4
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State scenic highway?	☐	☐	☒	☐	1-4
3. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐	1-4
4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐	1-4

Impact Discussion

1) Have a substantial adverse effect on a scenic vista?

Less than significant impact. The City is located in the South Bay Area, which is bounded by the Santa Cruz Mountains to the west and a series of low hills to the south. Views from the project area do offer sparse portions of the East Foothills to the east. Views from the west along South Bascom Avenue consist largely of residential and strip-commercial development. However, views from Bascom Avenue largely consist of highly urbanized track-style residential developments. Views of the project site itself include boarded structures, strip-mall commercial development, and fenced properties.

A scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. The site itself does not offer broad views of the surrounding area, given its flat topography and surrounding urban development. There are no scenic vistas visible from the project site and would not have a substantial impact. The proposed buildings would be five to six stories, consistent with the City General Plan and the South Bascom (North) Urban Village Plan policies to maintain the character of the surrounding neighborhood and protect scenic resources. Therefore, the impact would be less than significant.

2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State scenic highway?

Less than significant impact. The City General Plan contains goals and policies that aim to enhance the City's urban character and preserve its natural resources, which include waterways, hillsides, wildlife habitats and historical resources. The General Plan goals and policies CD-9.1 through CD-

10.7 are deigned to address the interfaces of new development and visual resources that include rural scenic corridors and gateways.

The nearest officially designated State scenic highway is SR-9. This designation ends approximately 5 miles southwest of the project site in the City of Los Gatos. The project site currently contains a surface parking area and commercial structures. The proposed project would remove existing structures and construct an 8-story and 10-story building. The project site has previously been developed, and no scenic or historic resources exist currently. Moreover, the project is not located in the vicinity of a designated gateway.

Existing vegetation on-site consists of several trees alongside the north corner of the site with minimal landscaping or natural features. The project site is largely hardscaped with asphalt or impervious surfaces. The vegetation is set back from the South Bascom Avenue, not substantially adding to the project site's scenic value as a scenic corridor or gateway. The project is proposing to remove trees on-site, but will comply with the City's standard tree replacement ratios, as discussed in Section 3.4, Biological Resources. Furthermore, the proposed project would incorporate open-air public areas with pervious landscaping throughout the project site. Therefore, impacts on scenic resources would be less than significant.

3) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less than significant impact. The project site is bounded on the west by South Bascom Avenue, on the north by apartments and commercial uses, on the east by the Southwest Expressway, and on the south by a large multi-modal intersection. Currently, the existing project site contains a large asphalt surface parking area and consists of impervious hardscaping that support older, visually unremarkable commercial structures. The project site itself includes boarded buildings, strip-mall commercial development, and fenced properties with rusted metal on building fixtures. Surrounding land uses largely consist of highly urbanized track-style residential developments and strip-mall commercial buildings.

The project site is located within the South Bascom (North) Urban Village planning area, which is intended to transform the corridor into a vibrant new mixed-use area. The South Bascom (North) Urban Village Plan contemplates a wide variety of retail, restaurants and entertainment uses with offices and residential uses. The proposed project would develop the site with two modern buildings and incorporate public plazas with landscaped areas. The building architecture and materials would be compatible with surrounding uses including the apartment complex at the north end of the project site. The proposed project would also be consistent with the South Bascom (North) Urban Village Plan, which identifies building types to ensure that the development is consistent with the City's goals for building form, size, massing, character and quality. The project complies with the proposing zoning and Urban Village policies regarding visual impacts. Therefore, impacts to the existing visual character or quality of public views of the site and its surroundings would be less than significant.

4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than significant impact. The proposed project would develop an 8-story residential building and 10-story office building. The project would integrate landscaping throughout the project site and the residential building would include an outdoor pool and spa area. The project site currently contains a large surface parking area and consists mostly of impervious surfaces that support existing commercial structures. With the proposed development, the project would increase the amount of light and glare compared with existing conditions. The new sources of light would come from the interior as well as the exterior lighting as well as some glare reflecting off surfaces such as the exterior facades that would include glass.

To reduce potential impacts related to glare and light trespass, the project would be required to conform to City Council Lighting Policy 4-3, pertaining to how lights are directed, shielded, and the hours they should be used. Adherence to standard City policies would limit light spillover and potential impacts associated with increased nighttime light levels. Furthermore, the project would be subject to the City's design review process and would be required to use exterior materials (e.g., glass) that avoid creating excessive daytime glare, consistent with General Plan policies and the City's Commercial Design Guidelines.

The project would comply with applicable land use regulations regarding the lighting design and building materials designed to limit trespass lighting and glare. The City would continue to ensure that excessive glare and impacts from light sources onto adjacent properties is avoided to minimize conflict with adjacent land uses. The project site's immediate surrounding area is dominated by commercial uses and apartment complexes, which are less sensitive to change in lighting levels. The project would not create a new source of light or glare that would substantially affect day or nighttime views in the area. Impacts would be less than significant.

3.1.2 - Conclusion

Impacts to visual resources would be less than significant.

3.2 - AGRICULTURAL AND FOREST RESOURCES

Applicable Plans, Policies, and Regulations

The Santa Clara County Important Farmland Map designates the project site as Urban and Built-Up Land. Common examples of "Urban and Built-Up Land" are residential, institutional, industrial, commercial, landfill, golf course, airports, and other utility uses. The project site is currently vacant and surrounded by a mix of commercial/retail, a school, and residential development. There is no forest land located on or adjacent to the project site and the site is not subject to a Williamson Act contract.

3.2.1 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	1-4
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1-4
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒	1-4
4. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1-4
5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	1-4

Impact Discussion

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No impact. The project site does not support agricultural activities. The California Department of Conservation Farmland Mapping and Monitoring Program mapping for Santa Clara County designates the project site as "Urban and Built-Up." Therefore, development of the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. No impact would occur.

2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No impact. The project site is zoned as "Commercial Pedestrian," which is a non-agricultural zoning designation, intended as mixed use, accommodating retail and restaurants with office that are supported by nearby residential uses. The land is not encumbered by a Williamson Act contract, as indicated by the Santa Clara County Williamson Act map by the California Department of Conservation. Therefore, the proposed project would not conflict with any existing agricultural zoning or with a Williamson Act contract. No impact would occur.

3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

No impact. The project site is zoned as CP–Commercial Pedestrian, which is a non-forest land zoning district. This condition precludes the possibility of a conflict with a forest zoning designation. No impact would occur.

4) Result in the loss of forest land or conversion of forest land to non-forest use?

No impact. The project site does not contain, nor is it adjacent to, any forested land. This condition precludes the possibility of loss of forest land or its conversion to non-forest. No impact would occur.

5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use, or conversion of forest land to non-forest use?

No impact. The project is not adjacent to or in the immediate vicinity of any existing agricultural operations. There is no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance in the City. Furthermore, the project is not considered suitable forest land. This condition precludes the possibility of the loss of forest land. No indirect impacts on farmland or forest land would occur.

3.2.2 - Conclusion

Impacts to agricultural and forest resources would be less than significant.

3.3 - AIR QUALITY

The following discussion is based on Air Quality/Greenhouse Gas Emission supporting information generated by FirstCarbon Solutions (FCS) in August 2018. A copy of this report is attached in Appendix A.

Environmental Setting

Air Pollutants

Air quality is determined by the concentration of various pollutants in the atmosphere. The amount of a given pollutant in the atmosphere is determined by the amount of pollutants released within an area, transport of pollutants to and from surrounding areas, local and regional meteorological conditions, and the surrounding topography of the air basin. The major determinants of transport and dilution are wind, atmospheric stability, terrain and, for photochemical pollutants, sunlight. Based on federal and state regulations, six major criteria pollutants have been identified: carbon monoxide (CO), nitrogen oxides (NO_X), ozone, particulate matter (PM_{10} and $PM_{2.5}$), sulfur oxides, and lead.

Ozone, often called photochemical smog, is classified as a secondary air pollutant, meaning it is not emitted directly into the air. It is created by the action of sunlight on ozone precursors, primarily reactive hydrocarbons and NO_X. The major sources of ozone precursors include combustion sources such as factories and automobiles and evaporation of solvents and fuels. The main public health concerns associated with ground level ozone pollution are eye irritation and impairment of respiratory functions.

PM_{10} consists of solid and liquid particles of dust, soot, aerosols, and other matter that are less than 10 microns in diameter. Major sources of PM_{10} are combustion (including automobile engines—particularly diesel, fires, and factories) and dust from paved and unpaved roads. Public health concerns associated with PM_{10} include aggravation of chronic disease and heart/lung disease symptoms.

$PM_{2.5}$, also known as Fine Particulate Matter, consists of the same type of matter as PM_{10}, but is less than 2.5 microns in diameter. The major source of $PM_{2.5}$ is combustion, but the particles can also be formed by chemical changes occurring in the air. $PM_{2.5}$ can cause respiratory problems and is of particular concern because the particles can penetrate deeper into the lungs.

Sensitive Receptors

The Bay Area Air Quality Management District (BAAQMD) defines sensitive receptors as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and the chronically ill are likely to be located. These facilities include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, and people with illnesses. The nearest sensitive receptors to the project site are the residences located to the north.

Applicable Plans, Policies and Regulations

Federal Clean Air Act

The Federal Clean Air Act establishes pollutant thresholds for air quality in the United States and the United States Environmental Protection Agency (EPA) administers it at the federal level. The EPA is

responsible for establishing the National Ambient Air Quality Standards (NAAQS), which are required under the Federal Clean Air Act and have been established for six major air pollutants: CO, NO_X, ozone, particulate matter (PM_{10} and $PM_{2.5}$), sulfur oxides, and lead.

California Clean Air Act

In addition to being subject to federal requirements, California has its own more stringent regulations under the California Clean Air Act, which is administered by the California Air Resources Board (ARB) at the State level under the California EPA (Cal/EPA). The ARB is responsible for meeting the State requirements of the Federal Clean Air Act, administering the California Clean Air Act, and establishing the California Ambient Air Quality Standards (CAAQS). The California Clean Air Act requires all air districts in the State to achieve and maintain CAAQS.

Clean Air Plan

The BAAQMD is primarily responsible for assuring that the NAAQS and CAAQS are attained and maintained in the San Francisco Bay Air Basin (Air Basin). Santa Clara County, and the Bay Area as a whole, is classified as a non-attainment area for the 8-hour ozone and $PM_{2.5}$ NAAQS and non-attainment for the ozone, PM_{10}, and $PM_{2.5}$ CAAQS. The County is either in attainment or unclassified for other pollutants.

Regional air quality management districts, such as the BAAQMD, must prepare air quality plans specifying how State air quality standards would be met. The BAAQMD's most recently adopted air quality plan is the *2017 Clean Air Plan: Spare the Air, Cool the Climate* (2017 Clean Air Plan [CAP]). The 2017 CAP focuses on two closely related BAAQMD goals, protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how the BAAQMD will continue its progress toward attaining State and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To that end, the 2017 CAP includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants (TACs). To protect the climate, the 2017 CAP includes control measures intended to reduce emissions of methane and other super-greenhouse gases (GHGs), and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

The BAAQMD also has permit authority over stationary sources, acts as the primary reviewing agency for environmental documents, and develops regulations that must be consistent with or more stringent than, federal and State air quality laws and regulations.

Envision San José 2040 General Plan

The City Envision San José 2040 General Plan includes policies applicable to all development projects in San José. Various policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to air quality, listed below.

Envision San José 2040 Relevant Air Quality Policies

Policies	Description
Policy MS-10.1	Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to State

Envision San José 2040 Relevant Air Quality Policies

Policies	Description
	and federal standards. Identify and implement air emissions reduction measures.
Policy MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
Policy MS-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
Policy MS-13.3	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for construction, grading, quarrying, and surface mining operations. In addition, goals and policies throughout the Envision 2040 General Plan encourage a reduction in vehicle miles traveled through land use, pedestrian, bicycle, and access to transit improvements, parking strategies that reduce automobile travel through parking supply and pricing management.
TR-7.1	Require large employers to develop and maintain Transportation Demand Management (TDM) programs to reduce the vehicle trips generated by their employees.

3.3.1 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	1-4
2. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard?	☐	☐	☒	☐	1-4, 9
3. Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐	1-4
4. Result in other emissions (such as those leading to odors or) adversely affecting a substantial number of people?	☐	☐	☒	☐	1-4

Threshold of Significance

The analysis in this section is based, in part, on the California Emissions Estimator Model (CalEEMod Version 2016.3.2) analysis completed by FCS. The modeling data is provided in its entirety in Appendix A. Where available, the significance criteria established or recommended by the BAAQMD were used to make the following CEQA significance determinations. The BAAQMD has adopted standards of significance for construction and operation. The thresholds of significance are shown in Table 1. In developing thresholds of significance for air pollutants, the BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions.

Table 1: BAAQMD Thresholds of Significance

Pollutant	Construction Thresholds Average Daily Emissions (pounds/day)	Operational Thresholds	
		Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG	54	54	10
NO_X	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance, other Best Management Practices (BAAQMD Basic Construction Mitigation Measures)	Not Applicable	
Health Risks and Hazards for New Sources			
Excess Cancer Risk	10 per one million	10 per one million	
Chronic or 1-hour Acute Hazard Index	1.0	1.0	
Incremental annual average $PM_{2.5}$	0.3 µg/m^3	0.3 µg/m^3	
Health Risks and Hazards for Sensitive Receptors (Cumulative from All Sources within 1,000-Foot Zone of Influence) and Cumulative Thresholds for New Sources			
Excess Cancer Risk	100 per 1 million		
Chronic Hazard Index	10.0		
Annual Average $PM_{2.5}$	0.8 µg/m^3		

Notes:
ROG = reactive organic gases, NO_X = nitrogen oxides, CO= carbon monoxide
PM_{10} = course particulate matter or particulates with an aerodynamic diameter of 10 µm or less
$PM_{2.5}$ = fine particulate matter or particulates with an aerodynamic diameter of 2.5 µm or less
µg/m3 = micrograms per cubic meter
Source: BAAQMD 2017.

Impact Discussion

1) Conflict with or obstruct implementation of the applicable air quality plan?

Less than significant impact. The project is located in the Air Basin, where air quality is regulated by the BAAQMD. The EPA is responsible for identifying non-attainment and attainment areas for each criteria pollutant within the Air Basin. As discussed above, the Air Basin is designated non-attainment for CAAQS for 1-hour and 8-hour ozone, PM_{10}), annual PM_{10}, and annual fine particulate matter ($PM_{2.5}$) and the NAAQS for 8-hour ozone and $PM_{2.5}$.[2]

As discussed above, to address regional air quality standards, the BAAQMD has adopted several air quality policies and plans, the most recent of which is the 2017 CAP. The 2017 CAP was adopted in April of 2017 and serves as the regional Air Quality Plan (AQP) for the Air Basin for attaining federal ambient air quality standards. The primary goals of the 2017 CAP are to protect public health and protect the climate. The 2017 CAP acknowledges that the BAAQMD's two stated goals of protection are closely related. As such, the 2017 CAP identifies a wide range of control measures intended to decrease both criteria pollutants[3] and GHGs.[4] The 2017 CAP updates the BAAQMD 2010 CAP, pursuant to air quality planning requirements defined in the California Health and Safety Code.

The 2017 CAP also accounts for projections of population growth provided by Association of Bay Area Governments (ABAG) and vehicle miles traveled provided by the Metropolitan Transportation Commission (MTC), and identifies strategies to bring regional emissions into compliance with federal and State air quality standards. A project would be judged to conflict with or obstruct implementation of the 2017 CAP if it would result in substantial new regional emissions not foreseen in the air quality planning process.

The BAAQMD does not provide a numerical threshold of significance for project-level consistency analysis with AQPs. Therefore, the following criteria will be used for determining a project's consistency with the 2017 CAP.

- **Criterion 1:** Does the project support the primary goals of the AQP?
- **Criterion 2:** Does the project include applicable control measures from the AQP?
- **Criterion 3:** Does the project disrupt or hinder implementation of any AQP control measures?

Criterion 1

The primary goals of the 2017 CAP, the current AQP to date, are to:

- Attain air quality standards;
- Reduce population exposure to unhealthy air and protecting public health in the Bay Area; and
- Reduce GHG emissions and protect the climate.

[2] Bay Area Air Quality Management District (BAAQMD). 2017. Air Quality Standards and Attainment Status. Website: http://www.baaqmd.gov/about-air-quality/research-and-data/air-quality-standards-and-attainment-status

[3] The EPA has established NAAQS for six of the most common air pollutants—carbon monoxide, lead, ground-level ozone, particulate matter, nitrogen dioxide, and sulfur dioxide—known as "criteria" air pollutants (or simply "criteria pollutants").

[4] A GHG is any gaseous compound in the atmosphere that is capable of absorbing infrared radiation, thereby trapping and holding heat in the atmosphere. By increasing the heat in the atmosphere, GHGs are responsible for the greenhouse effect, which ultimately leads to global warming.

A measure for determining if the project supports the primary goals of the AQP is if the project would not result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the air quality plans. This measure is determined by comparison to the regional and localized thresholds identified by the BAAQMD for construction- and operational-related pollutants, which are used in this IS/MND in the evaluations of Air Impacts 2 and 3. As discussed under Air Impacts 2 and 3, the project would not significantly contribute to cumulative non-attainment pollutant violations or expose sensitive receptors to substantial pollutant concentrations. The project would be required to implement Standard Permit Condition Air Quality No. 1, to be consistent with Criterion 1. The project is, therefore, consistent with Criterion 1.

Criterion 2

The 2017 Clean Air Plan contains 85 control measures aimed at reducing air pollutants and GHGs at the local, regional, and global levels. Along with the traditional stationary, area, mobile source, and transportation control measures, the 2017 CAP contains a number of control measures designed to protect the climate and promote mixed use, compact development to reduce vehicle emissions and exposure to pollutants from stationary and mobile sources. The 2017 CAP also includes an account of the implementation status of control measures identified in the 2010 Clean Air Plan.

Table 2 lists the relevant CAP policies to the project and evaluates the project's consistency with the policies. As shown below, the project would be consistent with applicable measures.

Table 2: Project Consistency with Applicable Clean Air Plan Control Measures

Control Measure	Project Consistency
Stationary Control Measures	
SS29: Asphaltic Concrete	**Consistent.** Paving activities associated with the proposed project would be required to utilize asphalt that does not exceed BAAQMD emission standards.
SS36: Particulate Matter from Trackout	**Consistent.** Mud and dirt that may be tracked out onto the nearby public roads during construction activities shall be removed promptly by the contractor based on BAAQMD requirements. Standard Permit Condition Air Quality No. 1 would implement Best Management Practices (BMPs) recommended by the BAAQMD for fugitive dust emissions during construction.
SS37: Particulate Matter from Asphalt Operations	**Consistent.** Mud and dirt that may be tracked out onto the nearby public roads during construction activities shall be removed promptly by the contractor based on BAAQMD's requirements. Standard Permit Condition Air Quality No. 1 would implement BMPs recommended by the BAAQMD for fugitive dust emissions during construction.

Table 2 (cont.): Project Consistency with Applicable Clean Air Plan Control Measures

Control Measure	Project Consistency
SS38: Fugitive Dust	**Consistent.** Material stockpiling and track out during grading activities as well as smoke and fumes from paving and roofing asphalt operations shall utilize best management practices to minimize the creation of fugitive dust.
Buildings Control Measures	
BL4: Urban Heat Island Mitigation	**Consistent.** The project would incorporate landscaping throughout the site. The project would provide landscaping in accordance with City standards that would serve to reduce the urban heat island effect and would include the planting of shade trees.
Energy Control Measures	
EN2: Decrease Energy Use	**Consistent.** The project applicant would be required to conform to the energy efficiency requirements of the California Building Standards Code, also known as Title 24, which was adopted in order to meet an Executive order in the Green Building Initiative to improve the energy efficiency of buildings through aggressive standards. Specifically, new development must implement the requirements of the most recent Building Energy Efficiency Standards, which is the current version of Title 24. The 2016 Building Efficiency Standards are the current regulations and went into effect on January 1, 2017.
Natural and Working Lands Control Measures	
NW2: Urban Tree Planting	**Consistent.** The project would incorporate landscaping throughout the site. The project would provide landscaping in accordance with City standards.
Source: BAAQMD 2017.	

In summary, the project would not conflict with any applicable measures under the 2017 CAP after the implementation of the Best Management Practices (BMPs) recommended by the BAAQMD for fugitive dust emissions during construction; therefore, the project would be consistent with Criterion 2.

Criterion 3

The project would not preclude extension of a transit line or bike path, propose excessive parking beyond parking requirements, or otherwise create an impediment or disruption to implementation of any AQP control measures. As shown in Table 2 above, the project would incorporate several AQP control measures as project design features. Considering this information, the project would not disrupt or hinder implementation of any AQP control measures. The project is therefore consistent with Criterion 3.

Summary

As addressed above, the project would be consistent with all three criteria after implementation of BMPs as recommended by the BAAQMD. Thus, the project would not conflict with the 2017 CAP. Therefore, impacts associated with conflicting with or obstructing implementation of the 2017 CAP would be less than significant.

2) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)

Less than significant impact. This impact is related to the cumulative effect of a project's regional criteria pollutant emissions. By its nature, air pollution is largely a cumulative impact resulting from emissions generated over a large geographic region. The non-attainment status of regional pollutants is a result of past and present development within the Air Basin, and this regional impact is a cumulative impact. Therefore, new development projects (such as the proposed project) within the Air Basin would contribute to this impact only on a cumulative basis. No single project would be sufficient in size, by itself, to result in non-attainment of regional air quality standards. Instead, a project's emissions may be individually limited, but cumulatively considerable when taken in combination with past, present, and future development projects.

Potential localized and regional impacts would result in exceedances of State or federal standards for NO_X, particulate matter (PM_{10} and $PM_{2.5}$), or CO. NO_X emissions are of concern because of potential health impacts from exposure to NO_X emissions during both construction and operation and as a precursor in the formation of airborne ozone. PM_{10} and $PM_{2.5}$ are of concern during construction because of the potential to emit exhaust emissions from the operation of off-road construction equipment and fugitive dust during earth-disturbing activities (construction fugitive dust). CO emissions are of concern during project operation because operational CO hotspots are related to increases in on-road vehicle congestion.

Reactive organic gas (ROG) emissions are also important because of their participation in the formation of airborne ozone. Ozone is a respiratory irritant and an oxidant that increases susceptibility to respiratory infections and that can cause substantial damage to vegetation and other materials. Elevated ozone concentrations result in reduced lung function, particularly during vigorous physical activity. This health problem is particularly acute in sensitive receptors such as the sick, elderly, and young children.

The cumulative analysis focuses on whether a specific project would result in cumulatively considerable emissions. According to Section 15064(h)(4) of the CEQA Guidelines, the existence of significant cumulative impacts caused by other projects alone does not constitute substantial evidence that the project's incremental effects would be cumulatively considerable. Rather, the determination of cumulative air quality impacts for construction and operational emissions is based on whether the project would result in regional emissions that exceed the BAAQMD regional thresholds of significance for construction and operations on a project level. The thresholds of significance represent the allowable amount of emissions each project can generate without generating a cumulatively considerable contribution to regional air quality impacts. Therefore, a

project that would not exceed the BAAQMD thresholds of significance on the project level also would not be considered to result in a cumulatively considerable contribution to these regional air quality impacts. Construction and operational emissions are discussed separately below.

Construction Emissions

During construction, fugitive dust would be generated from site grading and other earth-moving activities. The majority of this fugitive dust would remain localized and would be deposited near the project site. However, the potential for impacts from fugitive dust exists unless control measures are implemented to reduce the emissions from this source. Exhaust emissions would also be generated from the operation of the off-road construction equipment.

Construction Fugitive Dust

The BAAQMD does not recommend a numerical threshold for fugitive dust particulate matter emissions. Instead, the BAAQMD bases the determination of significance for fugitive dust on a consideration of the control measures to be implemented. If all appropriate emissions control measures are implemented for a project as recommended by the BAAQMD, then fugitive dust emissions during construction are not considered significant. During construction activities, the following air pollution control measures shall be implemented as outlined in Standard Permit Condition AQ No. 1. With incorporation of this condition, short-term construction impacts associated with violating an air quality standard or contributing substantially to an existing or projected air quality violation would be less than significant.

Construction Air Pollutant Emissions: ROG, NO_X, PM_{10}, $PM_{2.5}$

CalEEMod Version 2016.3.2 was used to estimate the project's construction emissions. CalEEMod provides a consistent platform for estimating construction and operational emissions from a wide variety of land use projects and is the model recommended by the BAAQMD for estimating project emissions. Estimated construction emissions are compared with the applicable thresholds of significance established by the BAAQMD to assess ROG, NO_X, exhaust PM_{10}, and exhaust $PM_{2.5}$ construction emissions to determine significance for this criterion.

For the purpose of this analysis, construction of the project was assumed to begin in June 2020 and conclude in November 2022. If the construction schedule moves to later years, construction emissions would likely decrease because of improvements in technology and more stringent regulatory requirements. The duration of construction activity and associated equipment represent a reasonable approximation of the expected construction fleet as required by CEQA guidelines. The preliminary construction schedule is provided in Table 3.

Table 3: Preliminary Construction Schedule

Phase	Phase Start Date	Phase End Date	Total Number of Working Days per Week	Total Number of Working Days
Demolition	06/01/2020	06/26/2020	5	20
Site Preparation	06/27/2020	08/21/2020	5	40
Grading	08/22/2020	10/16/2020	5	40

Table 3 (cont.): Preliminary Construction Schedule

Phase	Phase Start Date	Phase End Date	Total Number of Working Days per Week	Total Number of Working Days
Building Construction	10/17/2020	10/17/2022	5	521
Architectural Coating	07/26/2022	10/17/2022	5	60
Paving	10/18/2022	11/14/2022	5	20

The calculations of pollutant emissions from the construction equipment account for the type of equipment, horsepower and load factors of the equipment, along with the duration of use. Average daily construction emissions are compared with the significance thresholds in Table 4.

Table 4: Construction Emissions (Unmitigated Average Daily Rate)

Parameter	Air Pollutants			
	ROG	NO_X	PM_{10} (Exhaust)	$PM_{2.5}$ (Exhaust)
Total Emissions (tons/year)	7.40	12.85	0.36	0.34
Total Emissions (lbs/year)	14,798	25,710	718	671
Average Daily Emissions (lbs/day)[1]	23.09	40.11	1.12	1.05
Significance Threshold (lbs/day)	**54**	**54**	**82**	**54**
Exceeds Significance Threshold?	**No**	**No**	**No**	**No**

Notes:
[1] Calculated by dividing the total lbs by the total 641 working days of construction for the duration of construction (2020–2022).
Calculations use unrounded totals.
lbs = pounds ROG = reactive organic gases NO_X = oxides of nitrogen
PM_{10} = particulate matter 10 microns in diameter
$PM_{2.5}$ = particulate matter 2.5 microns in diameter
Source: CalEEMod output (see Appendix A).

As shown in Table 4, the construction emissions from all construction activities are below the recommended thresholds of significance; therefore, the construction of the project would have less than significant impact in regards to emissions of ROG, NO_X, exhaust PM_{10}, and exhaust $PM_{2.5}$. As previously discussed, the project would implement Standard Permit Condition Air Quality No. 1 for BMPs recommended by the BAAQMD to reduce potential impacts related to fugitive dust emissions from use of the construction equipment. Therefore, project construction would have a less than significant impact.

Operational Emissions

Operational Air Pollutant Emissions: ROG, NO_X, PM_{10}, $PM_{2.5}$

Operational emissions would include area, energy and mobile sources. Area sources would include emissions from architectural coatings, consumer products, and landscape equipment. Energy sources include emissions from the combustion of natural gas for water heaters and other heat

sources. Mobile sources include exhaust and road dust emissions from the automobiles that would travel to and from the project site. Pollutants of concern include ROG, NO_X, PM_{10}, and $PM_{2.5}$. Operations were analyzed assuming full-buildout in 2022. The project site is currently occupied by several older commercial buildings totaling 76,894 square feet, some of which are tenanted; therefore, the existing emissions were included in the analysis baseline to estimate the net increase in emissions. Assumptions used to estimate existing on-site emissions were consistent with those presented in the traffic analysis prepared for the project by Hexagon Transportation (2019). The major sources for existing and proposed operational emissions of ROG, NO_X, PM_{10}, and $PM_{2.5}$ include motor vehicle traffic, use of natural gas, and the occasional repainting of buildings. The project operational emissions for the respective pollutants were calculated using CalEEMod version 2016.3.2. The estimated maximum daily net emissions are presented in Table 5, while annual net emissions from project operations are presented in Table 6.

Table 5: Maximum Daily Operational Emissions (Unmitigated)

Emissions Source	Pounds per Day			
	ROG	**NO_X**	**PM_{10}**	**$PM_{2.5}$**
Area	24.56	2.31	0.42	0.42
Energy	0.30	2.63	0.21	0.21
Mobile (Motor Vehicles)	7.07	26.71	24.08	6.57
Estimated Maximum Daily Project Emissions	*31.93*	*31.65*	*24.71*	*7.19*
Estimated Maximum Daily Existing Emissions	6.63	16.81	13.14	3.59
Estimated Maximum Daily Net Emissions	25.29	14.84	11.57	3.60
Thresholds of Significance (lbs/day)	**54**	**54**	**82**	**54**
Exceeds Significance Threshold?	No	No	No	No

Notes:
ROG = reactive organic gases NO_X = nitrous oxides
PM_{10} = particulate matter 10 microns or less in diameter
$PM_{2.5}$ = particulate matter 2.5 microns or less in diameter
The highest daily project emissions occurred in the winter run for NO_X, PM_{10}, and $PM_{2.5}$. The highest ROG emissions occurred in the summer run.
Calculations use unrounded results.
Source: CalEEMod output (see Appendix A).

Table 6: Annual Net Operational Emissions (Unmitigated)

Emissions Source	Tons per Year			
	ROG	**NO_X**	**PM_{10}**	**$PM_{2.5}$**
Area	4.31	0.06	0.03	0.03
Energy	0.05	0.48	0.04	0.04
Mobile (Motor Vehicles)	0.96	4.08	3.62	0.99
Estimated Annual Project Emissions	*5.32*	*4.62*	*3.68*	*1.05*

Table 6 (cont.): Annual Net Operational Emissions (Unmitigated)

Emissions Source	Tons per Year			
	ROG	NO_X	PM_{10}	$PM_{2.5}$
Estimated Annual Existing Emissions	0.93	2.39	1.83	0.50
Estimated Annual Net Emissions	4.39	2.23	1.85	0.55
Thresholds of Significance	**10**	**10**	**15**	**10**
Exceeds Significance Threshold?	No	No	No	No

Notes:
ROG = reactive organic gases NO_X = oxides of nitrogen
PM_{10} = particulate matter 10 microns or less in diameter
$PM_{2.5}$ = particulate matter 2.5 microns or less in diameter
Source: CalEEMod output (see Appendix A).

As shown in Table 5 and Table 6, the project would not result in operational-related air pollutants or precursors that would exceed the BAAQMD's thresholds of significance, indicating that ongoing project operations would not be considered to have the potential to generate a significant quantity of air pollutants. Therefore, long-term operational impacts associated with criteria pollutant emissions would be less than significant.

Operational Carbon Monoxide Hotspot

The CO emissions from traffic generated by the project are a concern at the local level. Congested intersections can result in high, localized concentrations of CO.

The BAAQMD recommends a screening analysis to determine if a project has the potential to contribute to a CO hotspot. The screening criteria identify when site-specific CO dispersion modeling is necessary. The project would result in a less than significant impact to air quality for local CO if the following screening criteria are met:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans; or
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; or
- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

As indicated in Section 3.17, Transportation, the project would not conflict with the applicable congestion management plan. No intersections impacted by the project would experience traffic volumes of 44,000 vehicles per hour. According to the traffic analysis prepared for the project by Hexagon Transportation, the intersection of South Bascom Avenue and Hamilton Avenue would

experience the highest cumulative peak-hour traffic volumes among the project study intersections. With the intersection of South Bascom Avenue and Hamilton Avenue expected to carry 7,761 vehicles per hour during the PM peak-hour in the cumulative plus project scenario, none of the intersections near the project site would have peak-hour traffic volumes exceeding 44,000 vehicles per hour. Furthermore, the adjacent roadways are not located in an area where vertical or horizontal atmospheric mixing is substantially limited. Therefore, based on the above criteria, the project would not exceed the CO screening criteria and would have a less than significant impact related to CO.

3) Expose sensitive receptors to substantial pollutant concentrations?

Less than significant impact with mitigation incorporated. A sensitive receptor is defined by the BAAQMD as the following: "facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include schools, hospitals, and residential areas." Existing sensitive receptors are located adjacent to the project site to the north, across Southwest Expressway to the east and south, and across South Bascom Avenue to the west of the project site.

The following four criteria were applied to determine the significance of project emissions to sensitive receptors:

- **Criterion 1:** Construction of the project would not result in an exceedance of the health risk significance thresholds.
- **Criterion 2:** Operation of the project would not result in an exceedance of the health risk significance thresholds.
- **Criterion 3:** The cumulative health impact would not result in an exceedance of the cumulative health risk significance thresholds.
- **Criterion 4:** The project would not locate new sensitive receptors (residents) that could be subject to existing sources of TACs at the project site.

Criterion 1: Project Construction Toxic Air Pollutants

An assessment was made of the potential community risk and health risk impacts to surrounding sensitive receptors resulting from the emissions of TACs during construction. A summary of the assessment is provided below, while the detailed assessment is provided Appendix A of this IS/MND.

The ARB has identified substance Diesel Particulate Matter (DPM) as a carcinogenic. Major sources of DPM include off-road construction equipment and heavy-duty delivery truck and worker activities. For purposes of this analysis, DPM is represented as exhaust emissions of $PM_{2.5}$.

Emissions from construction-related automobiles, trucks, and heavy equipment are a primary concern due to the release of DPM, organic TACs from vehicles, and $PM_{2.5}$, which is a regulated air pollutant. Neither the BAAQMD nor the City of San José have significance criteria for construction TAC impacts. As a result, the BAAQMD criteria for operational TAC impacts are used by the City. Based on the BAAQMD Guidelines (2017), a project would result in a significant construction TAC or $PM_{2.5}$ impact if it exceeds any of the thresholds of significance listed below:

- An excess cancer risk level of more than 10 in one million, or a non-cancer (chronic or acute) hazard index greater than 1.0; or
- An incremental increase of more than 0.3 micrograms per cubic meter ($\mu g/m^3$) annual average $PM_{2.5}$; or
- The BAAQMD has included significance thresholds for $PM_{2.5}$ from recent studies that show health impacts from exposure to this pollutant. The construction emissions of $PM_{2.5}$ incorporated into this assessment included both DPM (as $PM_{2.5}$ exhaust) and $PM_{2.5}$ fugitive dust). Construction BMPs would be required to reduce fugitive dust emissions during construction, in compliance with Standard Permit Condition Air Quality No. 1.

Health Risk Assessment: Hazards from Project Construction

The BAAQMD has developed a set of guidelines for estimating cancer risks that provide adjustment factors that emphasize the increased sensitivities and susceptibility of young children to exposures to TACs (BAAQMD 2017). These adjustment factors include age-sensitivity weighting factors, age-specific daily breathing rates, and age-specific time-at-home factors. The recommended method for the estimation of cancer risk is shown in calculated in Appendix A incorporating the appropriate cancer risk adjustment factors.

Community Risk Assessment: Estimation of Toxic Air Contaminants

An evaluation of the potential non-cancer effects of chronic chemical exposures was also conducted. Adverse health effects are evaluated by comparing the annual receptor concentration of each chemical compound with the appropriate reference exposure limit. Available reference exposure limits promulgated by the California Office of Environmental Health Hazards Assessment (OEHHA) were considered in the assessment.

Risk characterization for non-cancer health hazards from TACs is expressed as a Hazard Index. The hazard index is a ratio of the predicted concentration of the project's emissions to a concentration considered acceptable to public health professionals, termed the reference exposure limit.

The Hazard Index assumes that chronic sub-threshold exposures adversely affect a specific organ or organ system (toxicological endpoint). For each discrete chemical exposure, target organs presented in regulatory guidance were used. To calculate the Hazard Index, each chemical concentration or dose is divided by the appropriate toxicity reference exposure level (REL). For compounds affecting the same toxicological endpoint, this ratio is summed. Where the total equals or exceeds 1, a health hazard is presumed to exist. For purposes of this assessment, the TAC of concern is DPM for which the OEHHA has defined a reference exposure limit for DPM of 5 $\mu g/m^3$. The principal toxicological endpoint assumed in this assessment was through inhalation.

Estimation of Construction DPM Emissions

Construction DPM emissions (represented as $PM_{2.5}$ exhaust) were estimated using CalEEMod version 2016.3.2, as described under the discussion for Impact AIR-2. For purposes of this study, DPM exhaust emissions are represented as $PM_{2.5}$ emissions.

The construction DPM emissions were assumed to be distributed over the project area with a working schedule of 8 hours per day and 5 days per week. Construction exhaust emissions of DPM, both unmitigated and Tier 4 Interim mitigated, are shown in Table 7.

Table 7: Project DPM Construction Emissions

Year	On-site DPM (as $PM_{2.5}$ Exhaust) (tons/year)	Off-site DPM[(1)] (as $PM_{2.5}$ Exhaust) (tons/year)	Total DPM (as $PM_{2.5}$ Exhaust) (tons/year)
Annual Construction Emissions—Unmitigated			
2020	0.1076	0.0005	0.1081
2021	0.1176	0.0009	0.1185
2022	0.0861	0.0006	0.0867
Annual Construction Emissions—Tier 4 Interim Mitigated			
2020	0.0062	0.0005	0.0067
2021	0.0146	0.0009	0.0155
2022	0.0110	0.0006	0.0116

Note:
(1) The off-site emissions were estimated over the two construction vehicle travel routes from the project (approximately 0.75 mile each).
Source: Appendix A.

The maximally exposed individual (MEI) was found at an existing residence located approximately 10 feet north of the northern border of the eastern side of the project site, at the multi-family dwelling units located off Stokes Street. Table 8 presents a summary of the project's construction cancer risk, chronic non-cancer hazard, and $PM_{2.5}$ concentration impacts at the MEI prior to the application of any equipment mitigation.

Table 8: Estimated Health Risks and Hazards during Project Construction—Unmitigated

Source	Cancer Risk (risk per million)	Chronic Non-Cancer Hazard Index[2]	Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)
Risks and Hazards at the MEI: Infant[1]	51.5	0.04	0.46
Risks and Hazards at the MEI: Child[1]	6.4	0.04	0.46
Risks and Hazards at the MEI: Adult[1]	1.0	0.04	0.46
BAAQMD Thresholds of Significance	**10**	**1**	**0.30**
Exceeds Individual Source Threshold?	Yes	No	Yes

Notes:
[1] The MEI is an existing residence located approximately 10 feet north of the project, at the multi-family dwelling units located off Stokes Street.
[2] Chronic non-cancer hazard index was estimated by dividing the annual DPM concentration (as $PM_{2.5}$ exhaust) by the REL of 5 $\mu g/m^3$.
Source: Appendix A.

As shown above in Table 8, the project's construction DPM emissions would not exceed the BAAQMD chronic non-cancer hazard index threshold of significance at the MEI; however, the project's construction DPM emissions would exceed the BAAQMD cancer risk threshold of significance and the project's $PM_{2.5}$ emissions would exceed the BAAQMD annual $PM_{2.5}$ threshold of significance. Therefore, mitigation would be necessary to reduce potentially significant impacts from construction of the project. As outlined in Mitigation Measure (MM) AIR-1a and MM AIR-1b, mitigation requiring the use of construction equipment meeting Tier 4 Interim standards is recommended to reduce impacts to sensitive receptors during project construction.

Table 9 presents a summary of the project's construction cancer risk, chronic non-cancer hazard, and $PM_{2.5}$ concentration impacts at the MEI after implementation of MM AIR-1-a and MM AIR-1b.

Table 9: Estimated Health Risks and Hazards during Project Construction—Mitigated

Source	Cancer Risk (risk per million)	Chronic Non-Cancer Hazard Index[2]	Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)
Risks and Hazards at the MEI: Infant[1]	4.3	0.003	0.26
Risks and Hazards at the MEI: Child[1]	0.6	0.003	0.26
Risks and Hazards at the MEI: Adult[1]	0.1	0.003	0.26
BAAQMD Thresholds of Significance	**10**	**1**	**0.30**
Exceeds Individual Source Threshold?	No	No	No

Notes:
[1] The MEI is an existing residence located approximately 10 feet north of the project, at the multi-family dwelling units located off Stokes Street.
[2] Chronic non-cancer hazard index was estimated by dividing the annual DPM concentration (as $PM_{2.5}$ exhaust) by the REL of 5 $\mu g/m^3$.
Source: Appendix A.

As noted in Table 9, the project's construction emissions would not exceed the BAAQMD significance threshold after application of MM-AIR 1a and MM AIR-1b at the MEI; therefore, project-related emissions would not result in significant health impacts to nearby sensitive receptors during construction.

Criterion 2: Project-Specific Operational Toxic Air Pollutants

The project proposes to develop an office/residential mixed-use development on the project site and would not have on-site sources of TACs during operation. As described in the project-specific traffic impact analysis, the project is expected to generate a net increase of 1,930 daily vehicle trips. The proposed project would primarily generate trips for residents, visitors, employees, and customers traveling to and from the project site. The daily travel trips to and from the project site would primarily be generated by passenger vehicles. Because nearly all passenger vehicles are gasoline-combusted, the project would not generate a significant amount of DPM emissions during operation. Therefore, the project would not result in significant health impacts to nearby sensitive receptors during operation.

Criterion 3: Cumulative Health Risk Assessment

The BAAQMD recommends assessing the potential cumulative impacts from sources of TACs within 1,000 feet of a project. As a result, a cumulative Health Risk Assessment (HRA) was performed that examined the cumulative impacts of the project's construction emissions and sources of TAC emissions within 1,000 feet of the project. The MEI was determined to be an existing residence located approximately ten feet north of the project, at the multi-family dwelling units located off Stokes Street. Therefore, the cumulative health impacts were estimated at this location.

For a project-level analysis, the BAAQMD provides three tools for use in screening potential sources of TACs. These tools are:

- **Surface Street Screening Tables.** The BAAQMD pre-calculated potential cancer risks and $PM_{2.5}$ concentration increases for each county within their jurisdiction for roadways that meet BAAQMD "major roadway" criteria of 10,000 vehicles or 1,000 trucks per day. Risks are assessed by roadway volume, roadway direction, and distance to sensitive receptors. South Bascom Avenue, located 50 feet west of the nearest sensitive receptor within the project site, has an annual average daily traffic (AADT) volume of 28,800 vehicles.
- **Freeway Screening Analysis Tool**. The BAAQMD prepared a Google Earth file that contains pre-estimated cancer risk, hazard index, and $PM_{2.5}$ concentration increases for highways within the Bay Area. Risks are provided by roadway link and are estimated based on direction and distance to the sensitive receptor. There are no freeways located within 1,000 feet of the site boundary.
- **Stationary Source Risk and Hazard Screening Tool**. The BAAQMD prepared a Google Earth file that contains the locations of all stationary sources within the Bay Area that have BAAQMD permits. For each emissions source, the BAAQMD provides conservative estimates of cancer risk, non-cancer hazards, and $PM_{2.5}$ concentrations. There are two existing stationary sources located within 1,000 feet of the site boundary.
- According to the BAAQMD, Fashion Express Cleaners (ID 6007), replaced their existing perchloroethylene equipment in 2014, and the facility has not renewed their current permit. In addition, an online search indicates that this facility is also reported as closed. Therefore, although the screening tool includes this location, this analysis assumes that there are no longer any health risks associated with this facility. Non co-residential dry cleaners must phase out use of perchloroethylene by January 1, 2023. Therefore, the risk from these dry cleaners does not need to be factored in over a 70-year period, but instead should reflect the number of years perchloroethylene use will continue after the project's residents take occupancy. The cumulative health risk results, including health risks from the existing stationary sources, are summarized during project construction in Table 10.

Table 10: Summary of the Cumulative Health Impacts at the MEI during Construction

Source	Source Name/Source Type	Distance from MEI[(1)] (feet)	Distance from Project Site (feet)	Cancer Risk (per million)	Chronic Hazard Index	$PM_{2.5}$ Concentration ($\mu g/m^3$)
Project						
Construction	Diesel Construction Equipment	10	0	4.29	0.003	0.26
Existing Stationary Sources (BAAQMD Facility Number)[(2)]						
6007	Fashion Express Cleaners	570	190	N/A	N/A	N/A
16826	New Bonded Cleaners	730	700	7.49	0.020	0.000
Existing Stationary Sources (BAAQMD Facility Number)[(2)]						
South Bascom Avenue	Local Road	300	50	5.59	N/A	0.130
Cumulative Health Risks						
Cumulative Total with Project Construction				17.37	0.02	0.0.39
BAAQMD Cumulative Thresholds of Significance				**100**	**10**	**0.8**
Threshold Exceedance?				No	No	No

Notes:
(1) The MEI is an existing residence located approximately ten feet north of the project, at the multi-family dwelling units located off Stokes Street
(2) Assumes emissions remain constant with time
N/A = no data available
Source: Appendix A.

As noted in Table 10, the cumulative impacts from the project construction with implementation of MM AIR-1a and MM AIR-1b and existing sources of TACs would be less than the BAAQMD cumulative thresholds of significance. Thus, the cumulative health risk impacts from project construction would be less than significant with mitigation.

Criterion 4: Project as a Receptor

The project would locate new sensitive receptors (residents) that could be subject to existing sources of TACs at the project site. However, the California Supreme Court concluded in *California Building Industry Association v. BAAQMD* that agencies generally subject to CEQA are not required to analyze the impact of existing environmental conditions on a project's future users or residents. Although impacts from existing sources of TAC emissions on sensitive receptors on the project site are not subject to CEQA, this analysis is provided consistent with Policy MS-11.1 of Envision San José 2040 General Plan. Policy MS-11.1 requires the completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Additional details are provided in the technical memorandum in Appendix A.

The BAAQMD recommends the preparation of an HRA to assess the potential health impacts to new sensitive receptor sites to be located near substantial sources of TAC emissions. The project's future

residential component is located in close proximity to two rail lines. One is the Union Pacific Diesel Rail line, located approximately 100 feet east of the project site. The other is the Light Rail Mountain View-Winchester line, which is also 100 feet east of the project site. Because the Light Rail is fully electrified, the light rail trains would not generate DPM emissions. Therefore, an HRA was prepared to assess the potential health impacts from Union Pacific diesel train on the future residents of the project.

The BAAQMD also recommends assessing the potential cumulative impacts from sources of TACs within 1,000 feet of a project. To develop the cumulative impact assessment, a screening level assessment was conducted to identify the existing TAC emission sources located within the 1,000-foot radius from the project and their corresponding health impacts as recommended by the BAAQMD. The screening analysis applied a series of internet-based screening tools developed by the BAAQMD to provide conservative estimates of how much existing TAC sources would contribute to cancer risk, chronic hazard index, and/or fine particulate matter ($PM_{2.5}$) concentrations in a community. These screening tools examined the potential impacts from BAAQMD-permitted stationary sources, local roadways, and freeways.

Table 11 summarizes the results of the operational HRA. The table presents the highest cancer risk and non-cancer hazards at the maximum impacted sensitive receptor located within the project site.

Table 11: Health Impacts at the Project Site during Operation

Source	Source Type	Distance from Project (feet) [1]	Cancer Risk (per million)	Chronic Non-Cancer Hazard Index	$PM_{2.5}$ Concentration ($\mu g/m^3$)
Rail Line					
Union Pacific Train[1]	DSL Train	100	0.10	<0.01	<0.01
Existing Stationary Sources (BAAQMD Facility Number)					
Fashion Express Cleaners	ND	220	N/A	N/A	N/A
New Bonded Cleaners	ND	724	7.49	0.02	0.00
Local Roads (>10,000 AADT)					
South Bascom Avenue	Local Road	50	18.38	N/A	0.43
Project-Level Health Risks					
Maximum Individual Source[2]			18.38	0.02	0.43
Maximum Individual Source with Standard Permit Condition Air No. 2			7.35		0.17
BAAQMD Significance Threshold			10	1	0.3
Exceeds Individual Source Threshold?			**No**	**No**	**No**
Cumulative Health Risks					
Cumulative Total with Project Operation[2]			25.97	0.03	0.44
BAAQMD Cumulative Thresholds of Significance			100	10	0.8
Threshold Exceedance?			**No**	**No**	**No**

Table 11 (cont.): Health Impacts at the Project Site during Operation

Source	Source Type	Distance from Project (feet) [(1)]	Cancer Risk (per million)	Chronic Non-Cancer Hazard Index	$PM_{2.5}$ Concentration ($\mu g/m^3$)
Notes: [(1)] Chronic non-cancer hazard index was estimated by dividing the annual DPM concentration (as $PM_{2.5}$ exhaust) by the REL of 5 $\mu g/m^3$. [(2)] For future on-site residents. Source: FCS 2019.					

As noted in Table 11, the cumulative health impacts to the future on-site residents from existing TAC emission sources located within 1,000 feet of the project would not exceed the BAAQMD's cumulative health significance thresholds. However, the impacts to the project's residents would exceed the BAAQMD's health risk significance threshold for cancer of 10 in a million and the $PM_{2.5}$ concentration threshold of 0.3 $\mu g/m^3$ for emissions associated with vehicles on South Bascom Avenue.

Specifically, as identified in Standard Permit Condition AQ No. 2 and to reduce the risk to future residents, the project will require the installation of Minimum Efficiency Reporting Value (MERV) 13 filters to address cancer risks and $PM_{2.5}$ concentrations on the project site.

Many heating/vacuum/air condition (HVAC) filters available in the United States are rated for their particle removal efficiency using a laboratory test procedure described in the American Society of Heating, Refrigerating, and Air Conditioning Engineers Standard 52.2-2012, Method of Testing General Ventilation Air-Cleaning Devices for Removal Efficiency by Particle Size. Minimum removal efficiency values in these three sized bins are used to assign HVAC filters a single efficiency metric MERV. In general, the higher the MERV for a filter, the greater the removal efficiency for one or more particle size bins. Average values for approximated outdoor-origin $PM_{2.5}$ removal efficiencies for several MERV-rated filters were derived from Stephens, Brennan, and Harriman.[5] Single-pass outdoor-origin $PM_{2.5}$ removal efficiencies range from less than 10 percent for MERV 6 to over 95 percent for MERV 16 and high-efficiency particulate air (HEPA) filters.

MERV 13 filters would trap particles at an efficiency rate of 60 percent. After the installation and maintenance of an air filtration system rated at MERV 13 per Standard Permit Condition AQ No. 2, the cancer risk from South Bascom Avenue would be reduced to 7.35 in a million and the $PM_{2.5}$ concentration was estimated at 0.17 $\mu g/m^3$. The health risks would be less than the BAAQMD recommended significance thresholds of 10 in a million and 0.3 $\mu g/m^3$, respectively. Therefore, future residents of the project would not be exposed to substantial health risks.

[5] Stephens, Brent, Terry Brennan, and Lew Harriman. 2016. Selecting Ventilation Air Filters to Reduce $PM_{2.5}$ Of Outdoor Origin. Website: http://www.conforlab.com.br/wp-content/uploads/2016/10/2016Sep_012-021_HarrimanFiltersToReducePM2.5.pdf.

4) Result in other emissions (such as those leading to odors or) adversely affecting a substantial number of people?

Less than significant impact. As stated in the BAAQMD 2017 Air Quality Guidelines, odors are generally regarded as an annoyance rather than a health hazard and the ability to detect odors varies considerably among the populations and overall is subjective. The BAAQMD does not have a recommended odor threshold for construction activities. However, the BAAQMD recommends operational screening criteria that are based on distance between types of sources known to generate odor and the receptor. For projects within the screening distances, the BAAQMD has the following threshold for project operations:

> An odor source with five or more confirmed complaints per year averaged over 3 years is considered to have a significant impact on receptors within the screening distance shown in Table 3-3 [of the BAAQMD's guidance].

Two circumstances have the potential to cause odor impacts:

1) A source of odors is proposed to be located near existing or planned sensitive receptors, or
2) A sensitive receptor land use is proposed near an existing or planned source of odor.

Project Construction

Diesel exhaust and ROGs would be emitted during construction of the project, which are objectionable to some; however, emissions would disperse rapidly from the project site and therefore would not create objectionable odors affecting a substantial number of people. As such, construction odor impacts would be less than significant.

Project Operation

Land uses typically considered associated with odors include wastewater treatment facilities, waste-disposal facilities, or agricultural operations.

As previously discussed, the project is a mixed-use development project and is not expected to produce any offensive odors that would result in odor complaints. During operation of the project, odors would primarily consist of passenger vehicles traveling to and from the site. These occurrences would not produce objectionable odors affecting a substantial number of people; therefore, operational impacts associated with the project's potential to create odors would be less than significant.

Project as a Receptor

The project consists of a mixed-use development and would have the potential to place sensitive receptors (residents) near existing or planned sources of odors. The project site is not located within the vicinity of agricultural operations (e.g., dairies, feedlots, etc.), landfills, wastewater treatment plants, or refineries; however, there are several types of industrial land uses within the screening distances shown in the BAAQMD's guidance. Public records requests were filed with the BAAQMD to obtain the most recent odor compliant history for possible sources within the vicinity of the project site. Based on the responses from the BAAQMD Public Records Section, none of potential

sources of odor had have received any confirmed complaints over the last 10-year period. Therefore, there are no land uses within the screening distances shown in Table 3-3 of the BAAQMD's guidance that have received five or more confirmed complaints per year for any recent 3-year period. The project would not place sensitive receptors near an existing or planned source of odor affecting a substantial number of people.

Mitigation Measures

Impact AIR-1 Construction activities associated with the proposed project would exceed infant cancer risk and $PM_{2.5}$ emissions of acceptable thresholds near the project site.

MM AIR-1a Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the project applicant and/or construction contractor shall prepare a construction operations plan that, during construction activities, requires all off-road equipment with engines greater than 50 horsepower to meet either EPA particulate matter emissions standards for Tier 4 Interim engines or include ARB-certified Level 3 Diesel Particulate Filters. The construction contractor shall maintain records documenting its efforts to comply with this requirement, including equipment lists. Off-road equipment descriptions and information shall include, but are not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.

The project applicant and/or construction contractor shall submit the construction operations plan and records of compliance to the Supervising Environmental Planner of the Department of Planning, Building, and Code Enforcement.

MM AIR-1b Alternatively, in lieu of the Tier 4 Interim engines identified in MM AIR-1a, the construction contractor may use other measures to minimize DPM emissions to reduce the estimated cancer risk below the thresholds. If any of these alternative measures are proposed, the project applicant and/or construction contractor shall include them in the construction operations plans that include specifications of the equipment to be used during construction. Furthermore, a signed letter by a qualified air quality specialist shall accompany the construction operations plan, which verifies that the equipment included in the plan meets the health risk standards set forth in this mitigation measure.

Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the project applicant and/or construction contractor shall submit the construction operations plan and signed letter by a qualified air quality specialist to the Supervising Environmental Planner of Department of Planning, Building, and Code Enforcement.

Standard Permit Conditions

AQ No. 1 The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:

- Water active construction areas at least twice daily or as often as needed to control dust emissions.
- Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Pave new or improved roadways, driveways, and sidewalks as soon as possible.
- Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure, Title 13, Section 2485 of the California Code of Regulations). Provide clear signage for construction workers at all access points.
- Maintain and property tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

AQ No. 2 The applicant shall install high efficiency MERV filters with a rating of 13 in the intake of the residential ventilation systems. MERV 13 filters have a Particle Size Efficiency Rating that results in a 60 reduction of particulates in the 1.0 to 3.0 micron range, which includes $PM_{2.5}$ To ensure long-term maintenance and replacement of the MERV filters in the individual units, the owner/property manager shall maintain and replace the MERV 13 filters in accordance with the manufacturer's recommendations, which typically is after 2 to 3 months.

3.3.2 - Conclusion

Impacts to air quality would be less than significant after implementation of mitigation and standard permit conditions.

3.4 - BIOLOGICAL RESOURCES

The following discussion is based on Biological Resources supporting information generated by FCS in May 2019. This documentation included any relevant biological studies of the area; literature pertaining to habitat requirements of special-status species potentially occurring in the vicinity of the site; and federal register listings, protocols, and species data provided by the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW). A copy of this report is attached in Appendix B.

Applicable Plans, Policies and Regulations

Federal

Endangered Species Act

The USFWS has jurisdiction over species listed as threatened or endangered under the Federal Endangered Species Act (FESA). Section 9 of FESA protects listed species from "take," which is broadly defined as actions taken to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." FESA protects threatened and endangered plants and animals and their critical habitat. Candidate species are those proposed for listing; these species are usually treated by resource agencies as if they were actually listed during the environmental review process. Procedures for addressing impacts to federally listed species follow two principal pathways, both of which require consultation with the USFWS, which administers FESA for all terrestrial species. The first pathway is the Section 10(a) incidental take permit, which applies to situations where a non-federal government entity must resolve potential adverse impacts to species protected under FESA. The second pathway is Section 7 consultation, which applies to projects directly undertaken by a federal agency or private projects requiring a federal permit or approval.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) implements international treaties between the United States and other nations devised to protect migratory birds, their parts, eggs, and nests from activities such as hunting, pursuing, capturing, killing, selling, and shipping, unless expressly authorized in the regulations or by permit. The State of California has incorporated the protection of birds of prey in Sections 3800, 3513, and 3503.5 of the Fish and Game Code. All raptors and their nests are protected from take or disturbance under the MBTA (16 United States Code [USC] § 703, *et seq*.) and California statute (Fish and Game Code [FGC] § 3503.5). The golden eagle (*Aquila chrysaetos*) and bald eagle (*Haliaeetus leucocephalus*) are also afforded additional protection under the Eagle Protection Act, amended in 1973 (16 USC § 669, *et seq*.) and the Bald and Golden Eagle Protection Act (16 USC §§ 668–668d).

State

California Endangered Species Act

The State of California enacted the California Endangered Species Act (CESA) in 1984. CESA is similar to FESA but pertains to State-listed endangered and threatened species. CESA requires State agencies to consult with the CDFW when preparing CEQA documents. The purpose is to ensure that the State lead agency actions do not jeopardize the continued existence of a listed species or result in the destruction or adverse modification of habitat essential to the continued existence of those

species, if there are reasonable and prudent alternatives available (FGC § 2080). CESA directs agencies to consult with the CDFW on projects or actions that could affect listed species, directs the CDFW to determine whether jeopardy would occur, and allows the CDFW to identify "reasonable and prudent alternatives" to the project consistent with conserving the species. CESA allows the CDFW to authorize exceptions to the State's prohibition against take of a listed species if the "take" of a listed species is incidental to carrying out an otherwise lawful project that has been approved under CEQA (FGC § 2081).

California Fish and Game Code

Under CESA, the CDFW has the responsibility for maintaining a list of endangered and threatened species (FGC § 2070). Sections 2050 through 2098 of the Fish and Game Code outline the protection provided to California's rare, endangered, and threatened species. Section 2080 of the Fish and Game Code prohibits the taking of plants and animals listed under the CESA. Section 2081 established an incidental take permit program for State-listed species. CDFW maintains a list of "candidate species," which it formally notices as being under review for addition to the list of endangered or threatened species.

In addition, the Native Plant Protection Act of 1977 (NPPA) (FGC § 1900, *et seq*.) prohibits the taking, possessing, or sale within the State of any plants with a state designation of rare, threatened, or endangered (as defined by the CDFW). An exception to this prohibition in the NPPA allows landowners, under specified circumstances, to take listed plant species, provided that the owners first notify the CDFW and give the agency at least 10 days to come and retrieve (and presumably replant) the plants before they are plowed under or otherwise destroyed. (Fish and Game Code Section 1913 exempts from "take" prohibition "the removal of endangered or rare native plants from a canal, lateral ditch, building site, or road, or other right of way.") Project impacts to these species are not considered significant unless the species are known to have a high potential to occur within the area of disturbance associated with construction of the proposed project.

The CDFW also maintains lists of "Species of Special Concern" that serve as species "watch lists." The CDFW has identified many Species of Special Concern. Species with this status have limited distribution or the extent of their habitats has been reduced substantially, such that their populations may be threatened. Thus, their populations are monitored, and they may receive special attention during environmental review. While they do not have statutory protection, they may be considered rare under CEQA and thereby warrant specific protection measures.

Sensitive species that would qualify for listing but are not currently listed are afforded protection under CEQA. CEQA Guidelines Section 15065 (Mandatory Findings of Significance) requires that a substantial reduction in numbers of a rare or endangered species be considered a significant effect. CEQA Guidelines Section 15380 (Rare or Endangered Species) provides for the assessment of unlisted species as rare or endangered under CEQA if the species can be shown to meet the criteria for listing. Unlisted plant species on the California Native Plant Society (CNPS) Lists 1A, 1B, and 2 would typically be considered under CEQA.

Sections 3500 to 5500 of the Fish and Game Code outline protection for fully protected species of mammals, birds, reptiles, amphibians, and fish. Species that are fully protected by these sections may not be taken or possessed at any time. The CDFW cannot issue permits or licenses that

authorize the take of any fully protected species, except under certain circumstances such as scientific research and live capture and relocation of such species pursuant to a permit for the protection of livestock.

Under Section 3503.5 of the Fish and Game Code, it is unlawful to take, possess, or destroy any birds in the orders of *Falconiformes* or *Strigiformes* (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto. To comply with the requirements of CESA, an agency reviewing a proposed project within its jurisdiction must determine whether any State-listed endangered or threatened species may be present in the project study area and determine whether the proposed project will have a potentially significant impact on such species. In addition, the CDFW encourages informal consultation on any proposed project that may impact a candidate species.

Project-related impacts to species on the CESA endangered or threatened list would be considered significant. State-listed species are fully protected under the mandates of CESA. "Take" of protected species incidental to otherwise lawful management activities may be authorized under Fish and Game Code Section 206.591. Authorization from the CDFW would be in the form of an Incidental Take Permit.

California Department of Fish and Wildlife Species of Concern

In addition to formal listing under FESA and CESA, species receive additional consideration by the CDFW and local lead agencies during the CEQA process. Species that may be considered for review are included on a list of "Species of Special Concern," developed by the CDFW. It tracks species in California whose numbers, reproductive success, or habitat may be threatened. In addition to Species of Special Concern, the CDFW identifies animals that are tracked by the California Natural Diversity Database (CNDDB), but warrant no federal interest and no legal protection. These species are identified as California Special Animals.

California Native Plant Society

The CNPS maintains a rank of plant species native to California that has low population numbers, limited distribution, or are otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Vascular Plants of California. Potential impacts to populations of CNPS ranked plants receive consideration under CEQA review. The following identifies the definitions of the CNPS ranks:

- **Rank 1A:** Plants presumed Extinct in California
- **Rank 1B:** Plants Rare, Threatened, or Endangered in California and elsewhere
- **Rank 2:** Plants Rare, Threatened, or Endangered in California, but more numerous elsewhere
- **Rank 3:** Plants about which we need more information—A Review List
- **Rank 4:** Plants of limited distribution—A Watch List

All plants appearing on CNPS List 1 or 2 are considered to meet the CEQA Guidelines Section 15380 criteria. While only some of the plants ranked 3 and 4 meet the definitions of threatened or endangered species, the CNPS recommends that all Rank 3 and Rank 4 plants be evaluated for consideration under CEQA.

Regional and Local

The proposed project development will have to abide by all local and regional ordinances and regulations. Specifically, the following:

Habitat Conservation Plan

The project site is located within the Santa Clara Valley Habitat Plan (SCVHP) area. The SCVHP provides a framework for promoting the protection and recovery of natural resources, including endangered species, while streamlining the permitting process for planned development, infrastructure, and maintenance activities. The purpose of the SCVHP is to protect, enhance, and restore natural resources in specific areas of Santa Clara County and contribute to the recovery of endangered species. Rather than separately permitting and mitigating individual projects, the SCVHP evaluates natural-resource impacts and mitigation requirements comprehensively in a way that is more efficient and effective for at-risk species and their essential habitats. The SCVHP was adopted by the City of San José on January 29, 2013.

Tree Ordinance

San José Municipal Code Chapter 13.32 requires the applicant to obtain a tree permit prior to the removal or relocation of a tree with a circumference of 38 inches or more measured 54-inches above natural grade. Additionally, it covers the protections given to heritage trees and provides a list of trees that are given additional protections due to their special significance.

Envision San José 2040 General Plan

The City's Envision 2040 General Plan includes the following policies applicable to all development projects in San José.

Envision San José 2040 Relevant Biological Policies

Policies	Description
Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
Policy MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
Policy MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
Policy MS-21.6	As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.

3.4.1 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐	1-4, 8
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐	1-4
3. Have a substantial adverse effect on state or federally protected wetlands federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	1-4
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	☐	☐	☐	☒	1-4
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	1-4
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?	☐	☐	☒	☐	1-4

Impacts Discussion

1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?

Less than significant impact with mitigation incorporated. Special-status plant and wildlife species typically occur in undeveloped areas. Although it is less likely, special-status plants and wildlife species may occur within urbanized areas. The project site is located adjacent to South Bascom Avenue, and the Vasona Light Rail line. The surrounding area contains land characteristics typical of

that being developed or altered including disturbed soils, expansive areas of impervious surfaces, and the presence of invasive and non-native ruderal plant species on-site. Therefore, the likelihood that species would use or inhabit the site because of the absence of suitable and preferred habitat is considered low. However, potential impacts occurring to special-status species, if found on-site, would be potentially significant.

Construction activities such as tree removals could disturb nesting and breeding birds in trees and shrubs within and around the construction site. Potential impacts on special-status and migratory birds that could result from the construction and operation of the project include the destruction of eggs or occupied nests, mortality of young, and the abandonment of nests with eggs or young birds prior to fledging. If these species were found to be present, impacts to these species would be significant. Implementation of MM BIO-1 would reduce impacts to migratory and nesting raptors protected under the MBTA to a less than significant level.

2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?

Less than significant impact. The project site does is mostly hardscaped and does not contain riparian habitat or other sensitive natural communities identified in local or regional plans, policies, and regulations or by the CDFW or the USFWS. As noted above, the project site is located adjacent to South Bascom Avenue within the urbanized context of the City and contains impervious surfaces. In August 2016, the City Council adopted Council Policy 6-34 "Riparian Corridor Protection And Bird-Safe Design" to: protect, preserve, or restore riparian habitats; limit the creation of new impervious surface within riparian corridor setbacks to minimize flooding from urban runoff, and control erosion; and to encourage bird-safe design in baylands and riparian habitats of lower Coyote Creek, north of SR-237. This policy applies to "riparian projects," which are defined as projects within 300 feet of a riparian corridor's top of bank or vegetative edge, whichever is greater, and that require approval of a Development Permit.

Council Policy 6-34 provides guidance for how riparian projects should be designed to protect and preserve the City's Riparian Corridors, specifically requiring a minimum setback of 100 feet for new residential and commercial buildings. The closest riparian habitat is Los Gatos Creek to the east and south of the project site, located approximately 250 feet away at its closest point. Due to the distance of the project site and the proposed development, the project complies with this policy. The project would not have a substantial adverse effect any riparian habitat. Therefore, impacts from project construction would be less than significant

3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No impact. The project site does is mostly hardscaped and does not support any waterways or seasonal wetlands under federal or State jurisdiction. As such, development of the proposed project would not cause adverse effect to federally protected wetlands. No impact would occur.

4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?

No impact. The project site is surrounded by urban development and infrastructure. Existing fences are located along the property lines to the north and east, and serve as a barrier to wildlife movement. As such, the development of the proposed project would not interfere with fish or wildlife movement. No impact would occur.

5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than significant impact. The project site contains 39 existing trees ranging from 5 to 58 inches diameter. The trees are planted along the project frontage with South Bascom Avenue and the property lines with the adjoining uses. The three most common tree species are Australian willow, Raywood ash, and African fern pine.

The proposed project would remove 21 trees and, thus, be subject to the provisions of Municipal Code Section 13.32. This section defines trees with a circumference of 38 inches or more measured 54-inches above natural grade as "ordinance-sized" trees. Thus, trees that meet this criterion must be replaced in accordance with the City's tree replacement ratio as outlined in Standard Permit Condition BR No. 1. The project would adhere to the City's tree preservation and protection policy, which would ensure that potential impacts to protected trees would be reduced to the maximum extent practicable. Impacts would be less than significant.

The project site contains trees that fall under the City's tree preservation and protection policy, as outlined in Municipal Code Section 13.32. This section defines trees with a circumference of 38 inches or more measured 54 inches above natural grade as "ordinance-sized" trees.

The project is proposing the removal of the 17 ordinance-sized trees, 1 non-ordinance sized tree, and 3 street trees. The applicant shall replace the trees that would be removed with the City's tree replacement ratio as outlined in Standard Permit Condition BR No. 1. The project would adhere to the City's tree preservation and protection policy, which would ensure that potential impacts to protected trees would be reduced to the maximum extent practicable. Impacts would be less than significant.

6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?

Less than significant impact. The project site is located within the SCVHP. The project site is within the "Urban-Suburban" land cover by the SCVHP and is not located in any special-status plant and wildlife survey areas. With implementation of the Standard Permit Condition BR No. 2, the proposed project would not conflict with any aspects of the SCVHP. Impacts would be less than significant.

Mitigation Measures

Impact BIO-1 Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.

MM BIO-1 Construction activities shall be scheduled to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

If demolition and construction cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the CDFW, shall determine the extent of a construction-free buffer zone to be established around the nest (typically 250 feet) to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

The project applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement prior to issuance of any tree removal, demolition permits, or grading permits (whichever occurs earliest).

Standard Permit Conditions

BR No. 1 The removed trees would be replaced according to tree replacement ratios required by the City, as provided in the table below.

Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-native	Orchard	
38 inches or greater	5:1	4:1	3:1	15-gallon
19 to 38 inches	3:1	2:1	None	15-gallon
Less than 19 inches	1:1	1:1	None	15-gallon

Notes:
x:x = tree replacement to tree loss ratio
Trees greater than 38-inches in circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For multi-family residential, commercial, and industrial properties, a Tree Removal Permit is required for removal of trees of any size. A 12.1-inch tree equals 38 inches in circumference.
One 24-inch box tree = two 15-gallon trees

- In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:
- The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site, at the development permit stage.
- Pay off-site tree replacement fee(s) to the City, prior to the issuance of Public Works grading permit(s), in accordance to the City Council approved Fee Resolution. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

BR No. 2 The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant shall submit a SCVHP Coverage Screening Form or Nitrogen Deposition Only Application Form (if no land cover fees apply) to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement for review and shall complete subsequent forms, reports, and/or studies as needed.

3.4.2 - Conclusion

Impacts to biological resources would be less than significant after implementation of mitigation and standard permit conditions.

3.5 - Cultural and Tribal Cultural Resources

This section describes the existing cultural resources setting and potential effects from project implementation on the project site and its surrounding area. Descriptions and analysis in this section are based on information provided by the California Native American Heritage Commission (NAHC), Northwest Information Center (NWIC), National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), California Historical Landmarks (CHL) list, California Points of Historical Interest (CPHI) list, the California State Historical Resources Inventory System (CHRIS), and a Historic Evaluation Report prepared by Brunzell Historical on February 15, 2019. The non-confidential record search results, NAHC correspondence, and Historic Evaluation Report are provided in Appendix C.

Applicable Plans, Policies and Regulations

National Historic Preservation Act

The National Register of Historic Places (NRHP), established under the National Historic Preservation Act, is a comprehensive inventory of known historic resources throughout the United States. The NRHP is administered by the National Park Service and includes buildings, structures, sites, objects and districts that possess historic, architectural, engineering, archaeological or cultural significance. For a resource to be eligible for listing, it also must retain integrity of those features necessary to convey its significance in terms of: (1) location, (2) design, (3) setting, (4) materials, (5) workmanship, (6) feeling, and (7) association. CEQA requires evaluation of project effects on properties that are listed in or eligible for listing in the NRHP.

California Register of Historical Resources

The CRHR is a guide to cultural resources that must be considered when a government agency undertakes a discretionary action subject to CEQA. The CRHR aids government agencies in identifying, evaluating, and protecting California's historical resources, and indicates which properties are to be protected from substantial adverse change (Public Resources Code [PRC], § 5024.1[a]). The CRHR is administered through the California Office of Historic Preservation, which is part of the California State Parks system. A historic resource listed in, or formally determined to be eligible for listing in, the NRHP is, by definition, included in the CRHR (PRC § 5024.1[d][1]).

State Regulations Regarding Cultural Resources

Archaeological and historical sites are protected by several State policies and regulations under the California Public Resources Code, California Code of Regulations (Title 14 § 1427), and California Health and Safety Code. California Public Resources Code Sections 5097.9-5097.991 require notification of discoveries of Native American remains and provides for the treatment and disposition of human remains and associated grave goods. Both State law and County of Santa Clara Ordinance Code (Sections B6-19 and B6-20) require that the Santa Clara County Coroner be notified if cultural remains are found on a site. If the Coroner determines the remains are those of Native Americans, the NAHC and a "most likely descendant" must also be notified.

Tribal Cultural Resources

A Tribal Cultural Resource (TCR) can be a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with

cultural value to a California Native American tribe. It also must be either on or eligible for the CRHR, a local historic register, or the lead agency, at its discretion, chooses to treat the resource as a TCR. The Public Resources Code requires lead agencies to participate in formal consultations with California Native American tribes during the CEQA process, if requested by any tribe, to identify TCRs that may be subject to significant impacts by a project. Where a project may have a significant impact on a TCR, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. Consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a TCR or when it is concluded that agreement cannot be reached.

Historic Preservation Ordinance

The City's Historic Preservation Ordinance is under San José Municipal Code Section 13.48.110, which sets forth factors that may be considered in order to determine whether a property qualifies as a local landmark. Based on the ordinance proposed City landmarks have special historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature, and that its designation as a landmark conforms with the goals and policies of the General Plan. In making such findings, the following factors, among other relevant factors, with respect to the proposed landmark:

1. Its character, interest or value as part of the local, regional, state or national history, heritage or culture;
2. Its location as a site of a significant historic event;
3. Its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history;
4. Its exemplification of the cultural, economic, social or historic heritage of the City of San José;
5. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
6. Its embodiment of distinguishing characteristics of an architectural type or specimen;
7. Its identification as the work of an architect or master builder whose individual work has influenced the development of the City of San José; and
8. Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique.

Envision San José 2040 General Plan

The City General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to cultural resources and are applicable to the proposed project.

Envision San José 2040 Relevant Cultural Resource Policies

Policies	Description
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to

Envision San José 2040 Relevant Cultural Resource Policies

Policies	Description
	determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable State laws shall be enforced.
Policy ER-10.3	Ensure that City, State, and federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.
Goal LU-14— Historic Structures of Lesser Significance	Preserve and enhance historic structures of lesser significance (i.e., Structures of Merit, Identified Structures, and particularly Historic Conservation Areas) as appropriate, so that they remain as a representation of San José' past and contribute to a positive identity for the City's future.
Policy LU-14.2	Give high priority to the preservation of historic structures that contribute to an informal cluster or a Conservation Area; have a special value in the community; are a good fit for preservation within a new project; have a compelling design and/or an important designer; etc.
Policy LU-14.4	Discourage demolition of any building or structure listed on or eligible for the Historic Resources Inventory as a Structure of Merit by pursuing the alternatives of rehabilitation, re-use on the subject site, and/or relocation of the resource.

3.5.1 - Environmental Checklist and Discussion of Impacts

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?	☐	☐	☒	☐	1-4, 9
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☒	☐	1-4, 10
3. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐	1-4
4. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	☐	☐	☒	☐	1-4, 9

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
5. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐	1-4

Impact Discussion

Cultural Resources

1) Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?

Less than significant impact. A Historical Evaluation for historic-period built-environment resources was prepared for the project on February 15, 2019 by Brunzell Historical, a qualified historic consultant (Appendix C-1). Through this research, which included archival and online research as well as a field survey, the qualified historic consultant determined the historical context of the current structures and the project site, and conducted significance evaluations. This investigation recommended that the three buildings on the project site (Dick's Center, Dick's Dragon, and 1420 South Bascom Avenue) do not meet the published criteria for historical listing at the national, State, or local level. As none of the buildings are recommended eligible for historic listing, their demolition therefore would not constitute a negative impact to a historical resource pursuant to CEQA.

While found to be ineligible for NRHP, CRHR, or local listing, two structures (Dick's Center neon sign and Moderne Gas Station) were determined to be a "Structures of Merit," a special category of historic designation in San José that applies to buildings and structures which are not eligible but nevertheless contribute to the historic fabric of San José or a specific neighborhood.

The Historic Evaluation concluded that the Dick's Center neon sign was good example of Roadside Vernacular architecture and therefore embodies the distinguishing characteristics of an architectural type. Furthermore, as the sign has not been moved and the features of the sign's original roadside vernacular design remain, it retains integrity of design. Therefore, the Dick's Center neon sign was found to meet the definition of a Structure of Merit. For this project site at its location, this Structure of Merit would not be considered a CEQA "historical resource," but would be subject to the City's local goals, policies and actions for such properties as identified in the General Plan. Consistent with General Plan Policies LU-14.2 and LU-14.4, the project is required to advertise for relocation, donate the structure, and/or advertise for salvage materials as outlined in Standard Permit Conditions CR No. 1.

Additionally, Moderne Gas Station, the previous gas station located at 1410-1420 South Bascom Avenue, was determined to qualify under Structure of Merit status. Based on the information and analysis in the report, the structure would meet the definition of "Structure of Merit" due to its style, integrity, and development patterns in history. There is no remaining setting and context for this structure, and, therefore, this structure would not contribute to another resource. For that reason, this Structure of Merit would not qualify as a CEQA "historical resource." However, the photo-documentation of this structure would be required as outlined in Standard Permit Conditions CR No. 2.

As described above, Structures of Merit are not considered historical resources pursuant to CEQA, so a project involving demolition of either structure would therefore not be required under CEQA to mitigate for negative impacts to a historical resource. However, in the case of these structures, consistent with the City's Historic Preservation Ordinance and General Plan, the project will be required to take steps to preserve and document them to the greatest extent possible in accordance with the goals and objectives of the General Plan. All evaluated resources and updates regarding "Structure of Merit" status were recorded on Department of Parks and Recreation (DPR) 532 series forms (Appendix C-2).

With incorporation of Standard Permit Conditions CR No. 1 and CR No.2, impacts associated with historical resources would be less than significant.

2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less than significant impact. On May 30, 2018, a cultural resources records search was conducted for the property at the Northwest Information Center, one of nine repositories within the California Historical Resource Information System. The records search included a search of previous studies and identified cultural resources within the project area and out to a 1-mile radius. The NRHP, the CRHR, the California Inventory of Historic Resources, the California Historical Landmarks, the California Points of Historical Interest listings, the Historic Property Data File, and historic maps and photographs along with other relevant historic data. Historic aerials of the property were inspected online to determine the history of land use regarding the property.

The results of the records search indicate that at least four cultural resources studies have been conducted that included all or part of the subject property. None of these resulted in the discovery or recordation of any archaeological sites on or within a 0.5-mile radius of the property (Appendix C-3).

Nonetheless, development activities have the potential to encounter undiscovered historic resources. Accordingly, Standard Permit Condition CR No. 3 requires the implementation of standard inadvertent discovery measures in the event historic resources are encountered during construction. Implementation of this mitigation measure will ensure that construction shall stop in the vicinity of any potential resource until the significance of the resource is confirmed, and will ensure that significant resources will be avoided or excavated and preserved. With incorporation of Standard Permit Condition CR No. 3, impacts associated with archaeological resources would be less than significant.

3) Disturb any human remains, including those interred outside of formal cemeteries?

Less than significant impact. There are no records of Native American burial sites or evidence that human remains are known to exist within the project area. However, there is always the possibility that subsurface construction activities associated with the proposed project, such as trenching and grading, could potentially damage or destroy previously undiscovered human remains. In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 must be followed. In the unlikely event human remains are discovered, implementation of Standard Permit Condition CR No. 4 would reduce this potential impact to a less then significant level.

Tribal Cultural Resources

4) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or

Less than significant impact. On May 30, 2018, a cultural resources records search was conducted for the property at the Northwest Information Center, one of nine repositories within the California Historical Resource Information System. The records search included a search of previous studies and identified cultural resources within the project area and out to a 1-mile radius. Included in the search were the NRHP, CRHR, California Inventory of Historic Resources, California Historical Landmarks, California Points of Historical Interest listings, Historic Property Data Files, and historic maps and photographs along with other relevant historic data. Historic aerials of the property were inspected online to determine the history of land use regarding the property.

The results of the records search indicate that at least four cultural resources studies have been conducted that included all or part of the subject property. None of these resulted in the discovery or recordation of any archaeological sites on or within a 0.5-mile radius of the property.

Implementation of Standard Permit Conditions CR No. 3 and No. 4 would apply in the event undiscovered Tribal cultural resources are encountered during construction and would reduce impacts to a level of less than significant.

5) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Less than significant impact. TCRs consider the value of a resource to tribal cultural tradition, heritage, and identity, in order to establish potential mitigation and to recognize that California Native American tribes have expertise concerning their tribal history and practices. No TCRs that have been listed or determined eligible for listing in the CRHR or a local register of historical resources have been recorded within the project boundary.

Assembly Bill (AB) 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify TCRs that may be subject to significant impacts

by a project. Where a project may have a significant impact on a TCR, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. Notification was conducted by the City with applicable Santa Clara County tribal representatives identified by the NAHC in compliance with AB 52.

Additionally, FCS contacted the NAHC on May 22, 2018, and a requested a search of their Sacred Lands File and the AB 52 consultation list for the appropriate tribes in the area. The NAHC responded and indicated the Sacred Lands File search was negative for cultural resources. They also provided a list of six tribes designed as consultants under AB 52. On June 6, 2018, FCS notified the six tribes of the project by mail, and invited any information they may have regarding cultural resources in the project area. During the preparation of this Initial Study, no responses were received (Appendix C-4).

Implementation of Standard Permit Conditions CR No. 3 and No. 4 would apply in the event undiscovered tribal cultural resources are encountered during construction and would reduce impacts to a level of less than significant.

Mitigation Measures

None.

Standard Permit Conditions

CR No. 1 Consistent with General Plan Policies LU-14.2 and LU-14.4, prior to issuance of any demolition permit for the neon sign, which is eligible as a Structure of Merit, the project applicant shall offer the neon sign for preservation to an entity/individual at an off-site location within the City of San José. The advertisement shall include a photograph of the structure, contact information for the project applicant, and contact information for the City's Historic Preservation Officer. The project applicant shall provide evidence to the City's Historic Preservation Officer that the neon sign has been advertised for relocation in a newspaper of general circulation, posted on a website, and posted on the sites for a period between 30 and 60 days. If an entity or individual is interested in relocating the neon sign to a new site, the costs and liability of the relocation will be borne entirely by that entity/individual. The purchasing entity/individual is required to coordinate with the City's Historic Preservation Officer to prepare an approved preservation plan and receive appropriate City permits.

If an entity/individual is not identified for relocation, the applicant is required to offer the neon sign for donation with preference to a local organization within the County of Santa Clara.

If relocation entity/individual or donation organization is not identified, the conditions of salvage and documentation shall be coordinated with the City's Historic Preservation Officer.

CR No. 2 Prior to issuance of any demolition permit for the previous gas station at 1410-1420 S Bascom Avenue, a qualifying Structure of Merit, photo-documented to consisting of selected views of the building for research and archival use shall be taken under the following standards:

- *Cover sheet*—The documentation shall include a cover sheet identifying the photographer, providing the address of building, significance statement, common or historic name of the building, date of construction, date of photographs, and photograph descriptions.
- *Camera*—A 35mm camera or comparable.
- *Lenses*—No soft focus lenses. Lenses may include normal focal length, wide angle and telephoto.
- *Film*—Color film is recommended.
- *View*—Perspective view-front and other elevations. All photographs shall be composed to give primary consideration to the architectural and/or engineering features of the structure. Detailed photographs of character-defining features shall be included.
- *Lighting*—Sunlight is preferred for exteriors, especially of the front facade. Light overcast days, however, may provide more satisfactory lighting for some structures. A flash may be needed to cast light into porch areas or overhangs.
- *Technical*—All areas of the photograph must be in sharp focus.
- *Digital Form*—All photographs shall be provided in print and digital form

The project applicant shall coordinate the submission of the photo-documentation, including the original prints and negatives, to History San José. Digital photos shall be provided as a supplement to the above photo-documentation, but not in place of it. Digital photography shall be recorded on a CD and submitted with the above documentation. The above shall be accompanied by a transmittal stating that the documentation is submitted as a standard measure to address the loss of the Structure of Merit, which shall be named and the address stated, in coordination with the City's Historic Preservation Officer.

CR No. 3 If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist shall examine the find. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

CR No. 4 If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per AB 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
- The MLD identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

3.5.2 - Conclusion

Impacts to cultural resources would be less than significant after implementation of standard permit conditions.

3.6 - Energy

Applicable Plans, Policies, and Regulations

Federal Energy Policy and Conservation Act of 1975

Vehicle fuel efficiency is regulated at the federal level. Pursuant to the Federal Energy Policy and Conservation Act of 1975, the National Highway Traffic Safety Administration (NHTSA) is responsible for establishing additional vehicle standards and for revising existing standards. The NHTSA indicated that the fuel economy of passenger vehicles averaged 35.1 miles per gallon.

EPA Off-Road Diesel Engine Emissions Standards

The EPA regulates non-road diesel engines that power both mobile equipment (bulldozers, scrapers, front-end loaders, etc.) and stationary equipment (generators, pumps, compressors, etc.). The EPA has no formal fuel economy standards for non-road (e.g., construction) diesel engines but does regulate diesel emissions, which indirectly affects fuel economy. In 1994, EPA adopted the first set of emission standards ("Tier 1") for all new non-road diesel engines greater than 37 kilowatts (kW [50 horsepower]). The Tier 1 standards were phased in for different engine sizes between 1996 and 2000, reducing NO_X emissions from these engines by 30 percent. Subsequently, the EPA adopted more stringent emission standards for NO_X, hydrocarbons, and particulate matter from new non-road diesel engines. This program included the first set of standards for non-road diesel engines less than 37 kW. It also phased in more stringent "Tier 2" emission standards from 2001 to 2006 for all engine sizes and added yet more stringent "Tier 3" standards for engines between 37 and 560 kW (50 and 750 horsepower) from 2006 to 2008. These standards further reduced non-road diesel engine emissions by 60 percent for NO_X and 40 percent for particulate matter (PM) from Tier 1 emission levels. In 2004, the EPA issued the Clean Air Nonroad Diesel Rule. This rule cut emissions from non-road diesel engines by more than 90 percent, and was phased in between 2008 and 2014. These emission standards are intended to promote advanced clean technologies for non-road diesel engines that improve fuel combustion, but they also result in slight decreases in fuel economy.

California Renewable Energy Standards

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the State's electricity mix to 20 percent of retail sales by 2010. In 2006, California's 20 percent by 2010 Renewables Portfolio Standard goal was codified under Senate Bill (SB) 107. Under the provisions of SB 107 (signed into law in 2006), investor-owned utilities were required to generate 20 percent of their retail electricity using qualified renewable energy technologies by the end of 2010. In 2008, Executive Order S-14-08 was signed into law and requires that retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. As described previously, PG&E's electricity mix in 2015 was 30 percent renewable. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 for retail sellers and publicly owned utilities requires them to procure 50 percent of the State's electricity from renewable sources by 2030.

California Building Code

The Building Energy Efficiency Standards were first adopted in 1976 and have been updated periodically since then as directed by statute. The Standards contain energy and water efficiency requirements (and indoor air quality requirements) for newly constructed buildings, additions to

existing buildings, and alterations to existing buildings. The Standards are conceptually divided into three basic sets. First, there is a basic set of mandatory requirements that apply to all buildings. Second, there is a set of performance standards—the energy budgets—that vary by climate zone (of which there are 16 in California) and building type; thus the Standards are tailored to local conditions, and provide flexibility in how energy efficiency in buildings can be achieved. Finally, the third set constitutes an alternative to the performance standards, which is a set of prescriptive packages that provide a recipe or a checklist compliance approach.

Private Sector Green Building Policy (Council Policy 6-32)

At the local level, the City of San José sets green building standards for municipal development. All projects are required to submit a Leadership in Energy and Environmental Design (LEED), GreenPoint, or Build-It-Green checklist as part of their development permit applications. Council Policy 6-32 "Private Sector Green Building Policy," adopted in October 2008, establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It fosters practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water and other resources in the City of San José. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown in Table 12 below.

Table 12: Private Sector Green Building Policy Applicable Projects

Applicable Project Minimum Green Building Rating	Minimum Green Building Rating
Commercial/Industrial—Tier 1 (Less than 25,000 square feet)	LEED Applicable New Construction Checklist
Commercial/Industrial—Tier 2 (25,000 square feet or greater)	LEED Silver
Residential—Tier 1 (Less than 10 units)	GreenPoint or LEED Checklist
Residential—Tier 2 (10 units or greater)	GreenPoint Rated 50 points or LEED Certified
High Rise Residential (75 feet or higher)	LEED Certified
Source: City of San José. Private Sector Green Building Policy: Policy Number 6-32. October 7, 2008. Website: https://www.sanjoseca.gov/DocumentCenter/Home/View/363	

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to energy and are applicable to the proposed project.

Envision San José 2040 Relevant Energy Policies

Policies	Description
Policy MS-14.1	Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.
Policy MS-14-2	Enhance existing neighborhoods by adding a mix of uses that facilitate biking, walking,

Envision San José 2040 Relevant Energy Policies

Policies	Description
	or transit ridership through improved access to shopping, employment, community services, and gathering places.
Policy MS 14.4	Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
Policy MS-1.6	Recognize the interconnected nature of green building systems, and, in the implementation of Green Building Policies, give priority to green building options that provide environmental benefit by reducing water and/or energy use and solid waste.
Policy MS-2.1	Develop and maintain policies, zoning regulations, and guidelines that require energy conservation and use of renewable energy sources
Policy MS-2.4	Promote energy efficient construction industry practices.
Policy MS-2.6	Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).

3.6.1 - Environmental Checklist and Impact Discussion of Impacts

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐	1
2) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐	1

Impact Discussion

Energy

1) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less than significant impact. A discussion of the project's effect on energy use is presented below. Energy use consumed by the proposed project was estimated and includes natural gas and electricity consumption for the proposed project.

Construction Impacts

The anticipated construction schedule assumes to begin in June 2020 and conclude in November 2022. If the construction schedule moves to later years, construction emissions would likely decrease because of improvements in technology and more stringent regulatory requirements. The project would require demolition, site preparation, minor grading, site construction, and paving. The construction phase would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., excavation, and grading), and the actual construction of the building. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks. The construction energy use has not been determined at this time.

The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. That is because equipment and fuel are not typically used wastefully due to the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited. The proposed project does include several measures that would improve the efficiency of the construction process. Implementation of the BAAQMD BMPs detailed in Section 3.3, Air Quality, would restrict equipment idling times to five minutes or less and would require the applicant to post signs on the project site reminding workers to shut off idle equipment. With implementation of the BAAQMD BMPs, the short-term energy impacts associated with use of fuel or energy related to construction would be less-than-significant.

Operational Impacts

The proposed project would consume energy as part of building operations and transportation activities. Project energy consumption is summarized in Table 13.

Table 13: Estimated Project Energy Consumption

Energy Consumption Activity	Variable	Consumption Rate	Annual Consumption
Building Electricity Consumption	800,000 square feet	16.9 kWh/square foot/year	13.5 million kWh
Building Natural Gas Consumption	800,000 square feet	36.8 cubic-feet /square foot/year	29.4 million cubic-feet
Vehicle Miles Traveled	9,647,814 miles	35.1 miles per gallon	274,867 gallons

Table 13 (cont.): Estimated Project Energy Consumption

Energy Consumption Activity	Variable	Consumption Rate	Annual Consumption
Notes: kWh = kilowatt hour Building electricity and natural gas consumption rates provided by United States Energy Information Administration 2012 Commercial Buildings Energy Consumption Survey Transportation fuel consumption rate provided by National Highway Traffic Safety Administration Source: FCS 2019.			

Operation of the proposed project would consume an estimated 13.5 million kilowatt hours of electricity and an estimated 29.4 million cubic feet of natural gas on an annual basis. The proposed project's buildings would be designed and constructed in accordance with the City latest adopted energy efficiency standards, which are based on the State's Building Energy Efficiency Standards. These are widely regarded as the most advanced building energy efficiency standards and compliance would ensure that building energy consumption would not be wasteful, inefficient, or unnecessary.

Project-related vehicle trips would consume an estimated 274,867 gallons of gasoline and diesel annually. The proposed project is located in an urbanized portion of San José. As such, it is located on a regional route of travel and, thus, transportation fuel consumption would not be wasteful, inefficient, or unnecessary. Impacts would be less than significant.

2) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

Less than significant impact. The proposed project would be served with electricity provided by Silicon Valley Clean Energy. In 2017, Silicon Valley Clean Energy obtained between 50 and 100 percent of its electricity (depending on the program chosen by the customer) from renewable energy sources. This exceeds the State's current objective of 33 percent. Furthermore, the proposed project's buildings would be designed and constructed in accordance with the City latest adopted energy efficiency standards, which are based on the State's Building Energy Efficiency Standards. The project would be required to be built to LEED Certification pursuant Council Policy 6-32. By reducing single-occupancy traffic trips and including green design measures to achieve LEED certification, the proposed project would comply with existing State energy standards. As such, the proposed project would not conflict with State or local renewable or energy efficiency objectives. Impacts would be less than significant.

Mitigation Measures

None.

3.6.2 - Conclusion

Impacts to energy would be less than significant.

3.7 - GEOLOGY AND SOILS

The following discussion is based on a Geotechnical Investigation prepared by Rockridge Geotechnical on March 23, 2018. A copy of this report is attached in Appendix D.

Additionally a paleontological assessment of the project area performed by Dr. Ken Finger on May 30, 2018. The paleontological assessment is on file at the City of San José's Planning, Building and Coding Department.

Applicable Plans, Policies and Regulations

California Building Code

The International Building Code is published by the International Conference of Building Officials, and is the widely adopted model building code in the United States. The 2016 California Building Code is another name for the body of regulations known as the California Code of Regulations, Title 24, Part 2, which is a portion of the California Building Standards Code. The California Building Code incorporates by reference the International Building Code requirements with necessary California amendments. Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards.

Compliance with the 2016 California Building Code requires that (with very limited exceptions) structures for human occupancy be designed and constructed to resist the effects of earthquake motions. The Seismic Design Category for a structure is determined in accordance with either California Building Code Section 1613–Earthquake Loads or the American Society of Civil Engineers Standard No. 7-05, Minimum Design Loads for Buildings and Other Structures. In brief, based on the engineering properties and soil-type of soils at a proposed site, the site is assigned a Site Class ranging from A to F. The Site Class is then combined with Spectral Response (ground acceleration induced by earthquake) information for the location to arrive at a Seismic Design Category ranging from A to D, of which D represents the most severe conditions. The classification of a specific site and related calculations must be determined by a qualified geotechnical engineer and are site-specific.

Finally, the California Building Code requires that a geotechnical investigation be prepared for all new buildings that are 4,000 square feet or larger, as well as for smaller buildings if they meet certain criteria. The geotechnical investigation must be prepared by a California registered geotechnical engineer and address the classification and investigation of the soil, including requirements for geotechnical designs necessary to meet standards for reducing exposure to geological hazards.

Alquist-Priolo Earthquake Fault Zoning Act

In response to the severe fault rupture damage of structures by the 1971 San Fernando earthquake, the State of California enacted the Alquist-Priolo Earthquake Fault Zoning Act in 1972. This Act required the State Geologist to delineate Earthquake Fault Zones along known active faults that have a relatively high potential for ground rupture. Faults that are zoned under the Alquist-Priolo Act must meet the strict definition of being "sufficiently active" and "well-defined" for inclusion as an Earthquake Fault Zones. The Earthquake Fault Zones are revised periodically, and they extend 200 to 500 feet on either side of identified fault traces. No structures for human occupancy may be built across an identified active fault trace. An area of 50 feet on either side of an active fault trace is

assumed to be underlain by the fault, unless proven otherwise. Proposed construction in an Earthquake Fault Zone is permitted only following the completion of a fault location report prepared by a California Registered Geologist.

Seismic Hazards Mapping Act

In 1990, following the 1989 Loma Prieta earthquake, the California Legislature enacted the Seismic Hazards Mapping Act to protect the public from the effects of strong ground shaking, liquefaction, landslides and other seismic hazards. The Seismic Hazards Mapping Act established a statewide mapping program to identify areas subject to violent shaking and ground failure; the program is intended to assist cities and counties in protecting public health and safety. The Seismic Hazards Mapping Act requires the State Geologist to delineate various seismic hazard zones and requires cities, counties, and other local permitting agencies to regulate certain development projects within these zones. As a result, the California Geological Survey is mapping Seismic Hazards Mapping Act Zones and has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, ground shaking, and landslides, primarily the San Francisco Bay area and Los Angeles basin.

Paleontological Resources Regulations

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These are in part valued for the information they yield about the history of the earth and its past ecological settings. The California Public Resources Code Section 5097.5 specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it will disturb or destroy a unique paleontological resource or site or unique geologic feature.

Envision San José 2040 General Plan

The City General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within city limits. The following policies are specific to geological resources and are applicable to the proposed project.

Envision San José 2040 Relevant Geology and Soil Policies

Policies	Description
Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-4.1	Design and build all new or remodeled habitat structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-4.2	Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.

Envision San José 2040 Relevant Geology and Soil Policies

Policies	Description
Policy EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
Policy EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.
Action EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
Action EC-4.12	Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of grading permits by the Director of Public Works.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

City of San José Municipal Code

Title 24 of the San José Municipal Code includes the current California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.10 (Building Code, Part 6 Excavation and Grading).

3.7.1 - Environmental Checklist and Discussion of Impacts

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
a) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒	1-4
b) Strong seismic ground shaking?	☐	☐	☒	☐	1-4
c) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	1-4
d) Landslides?	☐	☐	☒	☐	1-4

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
2. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1-4
3. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	1-4
4. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐	1-4
5. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☒	☐	1-4
6. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☐	

As discussed in Section 3, on December 17, 2015, the California Supreme Court issued an opinion in *CBIA vs. BAAQMD* holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. In light of this ruling, the effect of existing geologic conditions on future residents of the project would not be considered an impact under CEQA. Nevertheless, the City maintains development policies pertaining to structural safety and geologic hazards with which the proposed project must comply.

Impact Discussion

1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

a) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

No impact. Surface rupture represents the breakage of ground along the surface trace of a fault. A surface rupture may result in particularly adverse consequences when buildings are located within the rupture zone. Building structures cannot accommodate for rapid displacement involved with surface ruptures. To avoid seismic hazards, the Alquist-Priolo Earthquake Fault Zoning Act prohibits

construction of structures for human occupancy in regions with active faults. Under the Act, the State Geologist establishes regulatory zones known as "earthquake fault zones" around the surface traces of active faults and issues appropriate maps. The Seismic Hazards Mapping Act addresses non-surface fault rupture and earthquake hazards, including seismically induced landslides and liquefaction. The Act resulted in a mapping program that identifies areas with the potential for liquefaction, landslide, strong ground shaking, or other earthquake and geologic hazards.

The City is located in a seismically active region with a history of earthquakes.[6] Local faults capable of generating strong seismic activity are associated with the San Andreas Fault system. The San Andreas Fault generated the great San Francisco earthquake of 1906 and the Loma Prieta earthquake of 1989. The fault line passes through the Santa Cruz Mountains southwest of the City of San José. Two other major active faults near the City are the Hayward Fault, located to the north, and the Calaveras Fault, located in the hills to the east. The two faults merge in a series of splays and step-overs in the hills between Mission Peak and Mount Hamilton. In addition to known active faults, the City of San José mapped several smaller potentially active faults, shown on City Fault Hazard Maps.[7] The active and potentially active faults are considered as potential sources of fault rupture and strong seismic ground shaking. However, the nearest fault zone is located approximately 9 miles to the west of the City. Neither the City nor the project site is located in an identified Alquist-Priolo zone. Therefore, no impact would occur.

b) Strong seismic ground shaking?

Less than significant impact. Hazards associated with earthquakes include surface rupture and ground shaking, and secondary hazards such as liquefaction. However, structural damage attributed to earthquakes largely stems from strong seismic ground shaking. The intensity of ground shaking expected at a particular site depends upon the magnitude of the earthquake, the distance to the epicenter, and the geology of the area between the epicenter and the property. A specific site may experience greater movement if it is underlain by poorly consolidated material and in proximity to the causative fault, or as a result of a strong seismic event.

According to ABAG Hazards maps, Santa Clara County has been categorized under the "Very Strong" shaking category. The project site and the surrounding area could experience strong to violent ground shaking as a result of an earthquake on the Rodgers Creek Fault, as well as ground shaking associated with seismic activity on the San Andreas Fault. The intensity of ground shaking would vary with the distance and magnitude of the earthquake that causes the ground shaking.

To address seismic hazards and reduce risk, the City requires development projects to avoid unreasonable exposure to geologic hazards, including earthquakes, subsidence, liquefaction, and expansive soils. The City's General Plan contains policies that ensure new development minimizes risks when placing people in known hazardous areas. For example, the City requires new development to conduct geotechnical investigations in known geologic hazard areas. A qualified professional must complete an investigation prior to building construction, as outlined in Standard

[6] California Geological Survey—Northern California cities and counties affected by SHMP Zones. Website: http://www.conservation.ca.gov/cgs/maps/, accessed May 20, 2018.

[7] City of San José. Envision San José General Plan EIR, Figure 3.6-1: Geologic and Seismic Hazards. Website: http://www.sanjoseca.gov/DocumentCenter/View/2194. Accessed June 30, 2018.

Permit Condition GEO No. 1. Based on the investigation's findings, the City reviews the project to ensure compliance with applicable building standards that address particular geologic hazards, such as liquefaction or unstable soils. The State of California has also established minimum standards for safe building design through the California Building Code. The building code contains specific requirements for seismic safety, excavation, foundations, retaining walls, and site demolition.

The project-specific geotechnical investigation determined that the project is in the proximity of known fault zones and subject to the potential of strong ground shaking. In accordance with State law, the City would review architectural designs and require adequate construction practices that resist the stresses produced by earthquake forces. In addition, the City would ensure the project complies with requirements specified in the California Building Standards Code (Title 24 of the California Code of Regulations).

Lateral spreading may occur as a consequence of large seismic events. The project site and surrounding area consist of relatively flat terrain and present a low potential for lateral spreading. Adopted City regulations and policies would reduce the risks associated with ground shaking, and complement State building regulations that would further reduce impacts to the maximum extent feasible. With implementation of applicable codes and regulations, potential impacts would be less than significant.

c) Seismic-related ground failure, including liquefaction?

Less than significant impact. Secondary hazards associated with earthquakes include liquefaction. Liquefaction is a seismic phenomenon in which loose, saturated granular and non-plastic, fine-grained soils lose their structure or strength when subjected to high-intensity ground shaking. The phenomenon occurs under three general conditions: shallow groundwater, low-density non-plastic soils, and high-intensity ground motion. The intensity of ground motion at a particular site depends on, among other things, poorly consolidated materials and proximity to the causative fault.

The project-specific geotechnical investigation reviewed localized susceptibility to liquefaction and other associated hazards. The investigation considered a number of factors, including groundwater depth, and evaluated the potential for ground failure associated with liquefaction to occur on the project site. The investigation determined that the project site is not located within a mapped liquefaction hazard zone, as shown on California Seismic Hazard Zone mapping, and thus, liquefaction and other ground failure is considered very low. Risks associated with liquefaction would be reduced and managed consistent with City adopted regulations and policies, in conjunction with State building regulations, which would reduce impacts to the maximum extent feasible. With implementation of applicable codes and regulations, potential impacts would be less than significant.

d) Landslides?

Less than significant impact. Physical factors such as slope, soil, vegetation, and precipitation influence the potential for landslides. Landslides require a slope, and may occur naturally from seismic activity, excessive saturation, and wildfires, or from unnatural conditions such as construction disturbance, vegetation removal, and excavation among other activities. The project site is located on generally flat terrain with no steep slopes.

The project-specific geotechnical investigation reviewed localized susceptibility to landslides and other associated hazards. The investigation considered a number of factors, including topographical conditions, and evaluated the potential for ground failure associated with landslides to occur on the project site. The project site is not located within a mapped landslide hazard zone, as shown on California Seismic Hazard Zone mapping, and thus, landslides and other ground failures is considered very low. Risks associated with landslides would be reduced and managed consistent with City adopted regulations and policies, in conjunction with State building regulations, which would reduce impacts to the maximum extent feasible. With implementation of applicable codes and regulations, potential impacts would be less than significant.

2) Result in substantial soil erosion or the loss of topsoil?

Less than significant impact. Soil exposed by construction activities during project development could be subject to erosion if exposed to heavy rain, winds, or other storm events. Most of the erosion potential or loss of topsoil would occur during grading and excavation. Grading and ground disturbance increases the potential for accelerated erosion by removing protective vegetation or cover and changing natural drainage patterns.

Projects that disturb one or more acres of soil are required to obtain the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit), issued by the California State Water Resources Control Board (State Water Board). The Construction General Permit would require the project to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP would include project-specific BMPs designed to control drainage and to prevent erosion from reaching storm drains during construction activities.

In addition, General Plan Policy EC-4.5 ensures that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. The City would require the project applicant to prepare and implement an Erosion Control Plan since the project would disturb more than one acre of soil and located near Los Gatos Creek. The Erosion Control Plan would apply to any grading occurring during the rainy season between October 1 through April 30.

Once operational, the City would require the project to comply with all applicable regulations to reduce erosion. As discussed in Section 3.10, Hydrology and Water Quality, the project incorporates specific design features designed to retain stormwater or reduce runoff from entering local waterways. The project includes two buildings with associated parking and other impervious surfaces not susceptible to erosion. The project also includes landscaping and drainage throughout the site, which would reduce the potential for soil erosion across the project site. Therefore, impacts would be less than significant.

3) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less than significant impact. The soils in the City predominately consist of sediments and alluvium. The soils on the project site, as well as the geologic conditions on- and off-site, would not result in the

potential for landslide, lateral spreading, subsidence, liquefaction or collapse. The project site contains relatively flat terrain and consists of hardscaped surfaces. The City would review the project to ensure compliance with applicable regulations including Title 24 of the California Building Code.

Site-specific geotechnical investigations determined the project site has a very low risk of liquefaction, lateral spreading, and landslides. The project site and surrounding area consist of relatively flat terrain and present a low potential for lateral spreading during large seismic events. As discussed in Criterion 1(a)–(d), risks associated with unstable soils would be reduced and managed consistent with City adopted regulations and policies, in conjunction with State building regulations, which would reduce impacts to the maximum extent feasible. With implementation of applicable codes and regulations, potential impacts would be less than significant.

4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Less than significant impact. Expansive soils can change dramatically in volume depending on moisture content. When wet, these soils can expand; conversely, when dry, they can contract or shrink. Sources of moisture that may trigger this shrink-swell phenomenon include seasonal rainfall, landscape irrigation, utility leakage, or perched groundwater. Expansive soils can also exhibit wide cracks during prolonged dry conditions. Soils with moderate to high expansion potential are a common cause of structural damage. Expansive soils may cause substantial structural damage to building foundations, underground utilities, and other improvements. Structural damage may include warping and cracking or rupture of underground utility lines if a project is not designed or constructed properly for local conditions

Based on available information, the underlain soil type is suitable for development with standard construction practices. Standard construction practices further address localized soil corrosion characteristics associated with concrete and steel building materials.

The project would avoid unreasonable exposure to expansive soils as well as designed and engineered to comply with the most current version of the California Building Standards Code. In addition, the project site is moderately well drained with no known frequency of flooding or ponding. To avoid future potential flooding or ponding, the City will require the project to properly maintain drainage systems associated with landscaping and hardscape surfaces. Therefore, the potential for substantial risks to life or property as a result of expansive soils is minimal, and impacts would be less than significant.

5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No impact. The existing buildings and structures currently connect to the City owned and maintained sanitary sewer system. No septic of leach fields was observed on-site.[8] The proposed project would connect to existing sanitary sewer collection systems and provide adequate sewer and

[8] Stellar Environmental Solutions, Inc. Phase 1 Environmental Site Assessment (for 1388-1420 South Bascom Avenue, San José, California, *95128* (Project No. 2107-36) (July 2017) at pages 14 to 15, see also Table 1: Site Inspection Checklist of Environmental Observations.

wastewater services. The City's sanitary sewer system would transfer wastewater to treatment existing facilities for processing and disposal. The project does not propose new septic tanks or alternative wastewater disposal systems. Therefore, no impact would occur.

6) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than significant impact. A paleontological review and records search was conducted for the subject property on May 30, 2018. According to the geologic map of the project area,[9] the entire project site is on Holocene stream alluvium in fan deposits. The 0.5-mile search area also includes Holocene fan deposits and farther to the north are distal alluvial fan deposits. All of the geologic units in the vicinity of the project site are of Holocene age, which are too young to have any fossil potential. Older units are not in the vicinity and are likely to be too deeply buried at the site to be impacted by project-related earth-disturbing activities. Because it is highly unlikely that potentially fossiliferous deposits will be encountered at the project site, there is no need for a pre-construction paleontological walkover survey or paleontological monitoring of project-related excavations. However, in the unlikely event paleontological resources are encountered, the Standard Permit Condition GEO No. 2 will be followed to safely recover the sub-surface resource (e.g., vertebrate fossils). Impacts would be less than significant.

Mitigation Measures

None.

Standard Permit Conditions

GEO No. 1 The following measures shall be implemented:

- To avoid or minimize potential damage from seismic shaking, the project shall be constructed using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of an approved geotechnical investigation. The report shall be reviewed and approved by the City of San José Department of Public Works as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code.
- All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
- Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
- Ditches shall be installed to divert runoff around excavations and graded areas if necessary.

[9] Dibblee, T.W., Jr., and J.A. Minch. 2007. Geologic map of the Cupertino and San José West quadrangles, Santa Clara and Santa Cruz counties, California: Dibblee Geology Center Geologic Map #DF-351. Scale 1:24,000.

- The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.

GEO No. 2 If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, Director of Planning, Building and Code Enforcement or Director's designee of the Department of Planning, Building and Code Enforcement shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project applicant shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of Planning or Director's designee of the Director of Planning, Building and Code Enforcement.

3.7.2 - Conclusion

Impacts to geology and soils would be less than significant with implementation of standard permit conditions.

3.8 - GREENHOUSE GAS EMISSIONS

The following discussion is based on Air Quality/Greenhouse Gas Emission supporting information generated by FCS in August 2018. These emission estimates are included in Appendix A.

Applicable Plans, Policies and Regulations

Legislative Actions to Reduce Greenhouse Gas Emissions

The State of California legislature has enacted a series of bills that constitute the most aggressive program to reduce GHGs of any state in the nation. Some legislation such as the landmark AB 32 California Global Warming Solutions Act of 2006 was specifically enacted to address GHG emissions. Other legislation such as Title 24 and Title 20 energy standards were originally adopted for other purposes such as energy and water conservation, but also provide GHG reductions. This section describes the major provisions of the legislation.

California AB 1493, enacted on July 22, 2002, required the ARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light duty trucks. Implementation of the regulation was delayed by lawsuits filed by automakers and by the EPA's denial of an implementation waiver. The EPA subsequently granted the requested waiver in 2009, which was upheld by the by the U.S. District Court for the District of Columbia in 2011. The standards were phased in during the 2009 through 2016 model years.

The second phase of the implementation for the Pavley Bill was incorporated into Amendments to the Low-Emission Vehicle (LEV) Program referred to as LEV III or the Advanced Clean Cars program. The Advanced Clean Car program combines the control of smog-causing pollutants and GHG emissions into a single coordinated package of requirements for model years 2017 through 2025. The regulation will reduce GHGs from new cars by 34 percent from 2016 levels by 2025. The new rules will reduce pollutants from gasoline and diesel-powered cars, and deliver increasing numbers of zero-emission technologies, such as full battery electric cars, newly emerging plug-in hybrid electric vehicles and hydrogen fuel cell cars. The regulations will also ensure adequate fueling infrastructure is available for the increasing numbers of hydrogen fuel cell vehicles planned for deployment in California. The California State Legislature enacted AB 32, the California Global Warming Solutions Act of 2006. AB 32 requires that GHGs emitted in California be reduced to 1990 levels by the year 2020. "Greenhouse gases" as defined under AB 32 include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Since AB 32 was enacted, a seventh chemical, nitrogen trifluoride, has also been added to the list of GHGs.

The ARB's Climate Change Scoping Plan (Scoping Plan) contains measures designed to reduce the State's emissions to 1990 levels by the year 2020 to comply with AB 32. The Scoping Plan identifies recommended measures for multiple GHG emission sectors and the associated emission reductions needed to achieve the year 2020 emissions target—each sector has a different emission reduction target. Most of the measures target the transportation and electricity sectors.

The ARB approved the First Update to the Scoping Plan (Update) on May 22, 2014. The Update identifies the next steps for California's climate change strategy. The Update shows how California continues on its path to meet the near-term 2020 GHG limit, but also sets a path toward long-term,

deep GHG emission reductions. The report establishes a broad framework for continued emission reductions beyond 2020, on the path to 80 percent below 1990 levels by 2050. The Update identifies progress made to meet the near-term objectives of AB 32 and defines California's climate change priorities and activities Climate for the next several years.

The Sustainable Communities and Climate Protection Act of 2008 was signed into law on September 30, 2008. According to SB 375, the transportation sector is the largest contributor of GHG emissions, which emits over 40 percent of the total GHG emissions in California. The law requires metropolitan planning organizations to include sustainable community strategies in their regional transportation plans for reducing GHG emissions, aligns planning for transportation and housing, and creates specified incentives for the implementation of the strategies.

The Governor signed SB 32 in September of 2016, giving the ARB the statutory responsibility to include the 2030 target previously contained in Executive Order B-30-15 in the 2017 Scoping Plan Update. SB 32 states that "In adopting rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions authorized by this division, the state [air resources] board shall ensure that statewide greenhouse gas emissions are reduced to at least 40 percent below the statewide greenhouse gas emissions limit no later than December 31, 2030." The 2017 Climate Change Scoping Plan Update addressing the SB 32 targets was adopted on December 14, 2017.

On September 12, 2002, Governor Gray Davis signed SB 1078, requiring California to generate 20 percent of its electricity from renewable energy by 2017. SB 107 changed the due date to 2010 instead of 2017. On November 17, 2008, Governor Arnold Schwarzenegger signed Executive Order S-14-08, which established a Renewable Portfolio Standard target for California requiring that all retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. Governor Schwarzenegger also directed the ARB (Executive Order S-21-09) to adopt a regulation by July 31, 2010, requiring the State's load serving entities to meet a 33 percent renewable energy target by 2020. The ARB Board approved the Renewable Electricity Standard on September 23, 2010 by Resolution 10-23.

The legislature recently approved and the Governor signed SB 350, which reaffirms California's commitment to reducing its GHG emissions and addressing climate change. Key provisions include an increase in the renewables portfolio standard, higher energy efficiency requirements for buildings, initial strategies towards a regional electricity grid, and improved infrastructure for electric vehicle charging stations. Specifically, SB 350 requires the following to reduce Statewide GHG emissions:

- Increase the amount of electricity procured from renewable energy sources from 33 percent to 50 percent by 2030, with interim targets of 40 percent by 2024, and 25 percent by 2027.
- Double the energy efficiency in existing buildings by 2030. This target will be achieved through the California Public Utilities Commission (CPUC), the California Energy Commission (CEC), and local publicly owned utilities.
- Reorganize the Independent System Operator (ISO) to develop more regional electrify transmission markets and to improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.

The Water Conservation Act of 2009 directs urban retail water suppliers to set individual 2020 per capita water use targets and begin implementing conservation measures to achieve those goals. Meeting this statewide goal of 20 percent decrease in demand will result in a reduction of almost 2 million acre-feet in urban water use in 2020.

Private Sector Green Building Policy (Council Policy 6-32)

In October 2008, the City adopted the Council Policy 6-32 "Private Sector Green Building Policy" that established baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards.

Envision San José 2040 General Plan

The City General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within City limits. The following policies are specific to greenhouse gas and are applicable to the proposed project.

Envision San José 2040 Relevant Greenhouse Gas Policies

Policies	Description
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
Policy CD-2.10	Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land regulations to require compact, low-impact development that efficiently uses land planned for growth, particularly for residential development which tends to have a long life-span. Strongly discourage small-lot and single-family detached residential product types in growth areas.
Policy CD-3.2	Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.
Policy CD-5.1	Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.
Policy LU-5.4	Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and

Envision San José 2040 Relevant Greenhouse Gas Policies

Policies	Description
	intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

City's GHG Reduction Strategy

The City General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The City's GHG Reduction Strategy is intended to meet the mandates as outlined in the BAAQMD CEQA Guidelines and standards for "qualified plans," as established by the BAAQMD. In addition, the City's Green Vision, as reflected in the City's GHG Reduction Strategy, includes a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions.

The City GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion.

The primary test for consistency with the City's GHG Reduction Strategy is conformance with the General Plan Land Use/Transportation Diagram and supporting policies. Pursuant to CEQA Guidelines, all land use development proposals are required to evaluate consistency with the goals and policies outlined in the City General Plan designed to reduce GHG emissions. Compliance with the mandatory measures and voluntary measures (if the City deems necessary) would help to ensure a specific project proposal consistency with the City's GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions through 2020 and would not conflict with targets in the currently adopted State of California Climate Change Scoping Plan through 2020

The environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan Final EIR (FEIR) as supplemented. Beyond 2020, the emission reductions in the GHG Reduction Strategy are not large enough to meet the City's identified 3.04 metric tons (MT) carbon dioxide equivalent (CO_2e)/service population efficiency metric for 2035. An additional reduction of 5,392,000 MT CO_2e per year would be required for the projected service population to meet the City's target for 2035.[10]

[10] As described in General Plan EIR, the 2035 efficiency target above, reflects a straight line 40 percent emissions reduction compared to the projected citywide emissions (10.90 MT CO_2e) for San José in 2020. It was developed prior to issuance of Executive Order S-30-15 in April 2015, which calls for a Statewide reduction target of 40 percent by 2030 (5 years earlier) to keep on track with the more aggressive target of 80 percent reduction by 2050. The necessary information to estimate a second mid-term or interim efficiency target (e.g., Statewide emissions, population, and employment in 2030) is being developed by the ARB.

Achieving the substantial communitywide GHG emissions reductions needed beyond 2020 cannot be done alone with the measures identified in the GHG Reduction Strategy adopted by the City Council in 2015. The General Plan FEIR disclosed that it would require an aggressive multiple-pronged approach that includes policy decisions and additional emission controls at the Federal and State level, new and substantially advanced technologies, and substantial behavioral changes to reduce single occupant vehicle trips—especially to and from work places. Future policy and regulatory decisions by other agencies (such as the ARB, CPUC, CEC, MTC, and the BAAQMD) and technological advances are outside the City's control, and therefore could not be relied upon as feasible mitigation strategies at the time of the latest revisions to the GHG Reduction Strategy (e.g., when the Final Supplemental EIR to the General Plan EIR was certified on December 15, 2015). Thus, the City Council adopted overriding considerations for the identified cumulative impact for the 2035 timeframe.

The General Plan includes an implementation program for monitoring, reporting progress on, and updating the GHG Reduction Strategy over time as new technologies or practical measures are identified. Implementation of future updates is called for in General Plan Policies IP-3.7 and IP-17.2 and embodied in the GHG Reduction Strategy. The City of San José recognizes that additional strategies, policies and programs, to supplement those currently identified, would ultimately be required to meet the mid-term 2035 reduction target of 40 percent below 1990 levels in the GHG Reduction Strategy and the target of 80 percent below 1990 emission levels by 2050.

City of San José Municipal Code

The City's Municipal Code includes the following regulations that would reduce GHG emissions from future development:

- Green Building Ordinance (Chapter 17.84).
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10).
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105).
- Construction and Demolition Diversion Deposit Program (Chapter 9.10).
- Wood Burning Ordinance (Chapter 9.10).

3.8.1 - Environmental Checklist and Discussion of Impacts

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	1-4, 9
2. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	1-4

Impact Discussion

Greenhouse Gas Emission Impacts (Checklist Questions 1 and 2)

In jurisdictions where a qualified GHG Reduction Strategy has been reviewed under CEQA Guidelines and adopted by decision-makers, compliance with the GHG Reduction Strategy would reduce a project's contribution to cumulative GHG emission impacts to a less than significant level.[11] The BAAQMD CEQA Guidelines also outline a methodology for estimating GHGs. The City's GHG Reduction Strategy provides clearance for project related GHG emissions through 2020; however, as this project is proposed to be built post-2020 additional analysis was completed consistent with the BAAQMD requirements. The criteria used to determine significance is discussed under each GHG impact below.

1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than significant impact. Both construction period and operational period activities have the potential to generate GHG emissions. The project would generate GHG emissions during temporary (short-term) construction activities such as site grading, construction equipment engines, on-site heavy-duty construction vehicles, vehicles hauling materials to and from the project site, asphalt paving, and motor vehicles used by the construction workers. On-site construction activities would vary depending on the level of construction activity.

Long-term, operational GHG emissions would result from project generated vehicular traffic, on-site combustion of natural gas, operation of any landscaping equipment, off-site generation of electrical power over the life of the project, the energy required to convey water to and wastewater from the project site, the emissions associated with the hauling and disposal of solid waste from the project site, and any fugitive refrigerants from air conditioning or refrigerators.

The 2017 BAAQMD Thresholds contain the following for GHGs:

> For land use development projects (including residential, commercial, industrial, and public land uses and facilities), the threshold is compliance with a qualified GHG Reduction Strategy; or annual emissions less than 1,100 metric tons per year of carbon dioxide equivalent (CO_2e); or 4.6 metric tons CO_2e/service population/year (residents + employees).

It should be noted that the BAAQMD's thresholds of significance was established based on meeting the 2020 GHG targets set forth in the AB 32 Scoping Plan. For developments that would occur beyond 2020, the threshold of significance was adjusted to a "substantial progress" threshold that was calculated based on the SB 32 target of 40 percent below 1990 levels.[12] Therefore, the estimated annual operational emissions were compared with the BAAQMD's thresholds of 4.6 MT CO_2e/service population/year (residents + employees) in 2020 and 2.6 MT CO_2e/service population/year in 2030 to determine significance for this criterion.

[11] The required components of a "qualified" Greenhouse Gas Reduction Strategy or Plan are described in both Section 15183.5 of the CEQA Guidelines and the BAAQMD CEQA Air Quality Guidelines (2017).

[12] Association of Environmental Professionals (AEP). Final White Paper Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California. Website: https://www.califaep.org/images/climate-change/AEP-2016_Final_White_Paper.pdf. Accessed: December 20, 2018.

Project Construction

The project would emit GHG emissions during construction from the off-road equipment, worker vehicles, and any hauling that may occur. The BAAQMD does not presently provide a construction-related GHG generation threshold, but recommends that construction-generated GHGs be quantified and disclosed. Total GHG emissions generated during all phases of construction were combined and are presented in Table 14.

Table 14: Construction Greenhouse Gas Emissions

Construction Phase	On-site MT CO_2e/year	Off-site MT CO_2e per year	MT CO_2e per year
2020			
Demolition	34	23	57
Site Preparation	67	3	70
Grading	53	241	293
Building Construction—2020	63	275	337
2021			
Building Construction—2021	304	1,298	1,602
2022			
Building Construction—2022	240	1,001	1,241
Architectural Coating	8	28	36
Paving	20	1	21
		Total Construction Emissions	**3,657**

Notes:
MT CO_2e = metric tons of carbon dioxide equivalent
Totals calculated using unrounded numbers.
Source: CalEEMod output (see Appendix A)

As shown in Table 14, construction of the project is estimated to generate approximately 3,657 MT CO_2e over the entire project construction duration. As discussed above, neither the City of San José nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions. Because construction would be temporary and would not result in a permanent increase in emissions, the project would not interfere with the implementation of AB 32 or SB 32.

Project Operation

Operational or long-term emissions occur over the life of the project. The major sources for operational GHG emissions include:

- **Motor Vehicles:** These emissions refer to GHG emissions contained in the exhaust from the cars and trucks that would travel to and from the project site.

- **Natural Gas:** These emissions refer to the GHG emissions that occur when natural gas is burned on the project site. Natural gas uses could include heating water, space heating, dryers, stoves, or other uses
- **Indirect Electricity:** These emissions refer to those generated by off-site power plants to supply electricity required for the project.
- **Water Transport:** These emissions refer to those generated by the electricity required to transport and treat the water to be used on the project site.
- **Waste:** These emissions refer to the GHG emissions produced by decomposing waste generated by the project.

Operational GHG emissions by source are shown in Table 15. Net operational emissions at project buildout, in the year 2022, were estimated at 3,853 MT CO_2e. The existing uses would be removed as part of the project; therefore, the existing emissions were included in the analysis baseline to estimate the net increase in emissions. Assumptions used to estimate existing on-site emissions were consistent with those presented in the traffic analysis prepared for the project by Hexagon Transportation (Appendix G). The project would add would approximately 1,920 residents and employ approximately 644 employees. The project is estimated to accommodate 1,920 residents and 644 employees, resulting in a service population of 2,564 at full buildout. As shown in Table 15, the project would generate approximately 1.5 MT CO_2e per service person at year 2022.

Table 15: Operational Greenhouse Gas Emissions

Emission Source	Project Total MT CO_2e per year
Area	19
Energy	1,869
Mobile (Vehicles)	3,562
Waste	237
Water	175
Total Project Operational Emissions	5,862
Emissions from Existing Uses	2,009
Net Emissions	**3,853**
Service Population (Employees + Residents)	**2,564**
Project Emission Generation (MT CO_2e/service population/year)	**1.5**
BAAQMD AB 32 2020 Threshold (MT CO_2e/service population/year)	**4.6**
BAAQMD SB 32 2030 Threshold (MT CO_2e/service population/year)	**2.6**
Does project exceed threshold?	**No**

Table 15 (cont.): Operational Greenhouse Gas Emissions

Emission Source	Project Total MT CO_2e per year
Notes: MT CO_2e = metric tons of carbon dioxide equivalent. Unrounded results used to calculate totals. Source of Emissions: CalEEMod output (see Appendix A)	

As shown in Table 15, the project's combined long-term net operational emissions and amortized construction emissions would not exceed the BAAQMD recommended thresholds for GHG emissions. Therefore, the project's generation of GHG emissions would not significant impact on the environment.

2) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

Less than significant impact. The City of San José has an adopted GHG Reduction Strategy that was initially approved by the City Council in November 2011 in conjunction with the General Plan and associated Environmental Impact Report, and following litigation, was re-adopted after certification of a Supplemental Environmental Impact Report in December 2015. The City's projected emissions and GHG Reduction Strategy are consistent with measures necessary to meet Statewide 2020 goals established by AB 32 and addressed in the Climate Change Scoping Plan. In addition, the City Council unanimously adopted Climate Smart San José on February 27, 2018, with the intent to reduce GHG emissions to reach the GHG reduction targets of the Paris Agreement. The focus of the Climate Smart San José plan is on reducing CO_2 emissions from energy and mobile-source and ensuring a sustainable water supply. There are no new mandatory measures applicable to the project contained in the Climate Smart San José; therefore, no additional discussion is necessary. To address impacts beyond 2020, the project is assessed for its consistency with the ARB adopted 2017 Climate Change Scoping Plan Update. Significance for this impact is determined by project compliance with the City's GHG Reduction Strategy and project consistency with the ARB 2017 Climate Change Scoping Plan Update.

GHG Reduction Strategy

The City's GHG Reduction Strategy measures center around five strategies: energy, waste, water, transportation, and carbon sequestration. Some measures are considered mandatory for all proposed development projects while others are considered voluntary.

Compliance with the mandatory measures would ensure an individual project's consistency with the GHG Reduction Strategy. Below is a listing of the mandatory criteria provided by the City of San José.

Mandatory Criteria

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP-1, LU-10)
2. Implementation of Green Building Measures (General Plan Goals: MS-1, MS-2, MS-14)
   - Solar Site Orientation
   - Site Design

- Architectural Design
- Construction Techniques
- Consistency with City Green Building Ordinance and Policies
- Consistency with GHG Reduction Strategy (Policies: MS-1.1, MS-1.2, MC-2.3, MS-2.11, and MS-14.4)

3. Pedestrian/Bicycle Site Design Measures
   - Consistency with Zoning Ordinance
   - Consistency with GHG Reduction Strategy (Policies: CD-2.1, CD-3.2, CD-3.3, CD-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, and TR-6.7)

Mandatory Criteria Applicable to Specific Project Types

1. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable;
2. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g. data centers) (General Plan Policy MS-2.8), if applicable;
3. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and
4. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g. drive-through windows, car washes, service stations) must not disrupt pedestrian flow (General Plan Policy LU-3.6), if applicable.

The following discussion focuses on whether project emissions represent a cumulatively considerable contribution to climate change as determined by consistency with the City of San José GHG Reduction Strategy and Statewide efforts to curb GHG emissions.

The City provides a checklist in order to determine project conformance with the GHG Reduction Strategy. The checklist is divided into three different sections: "Mandatory Criteria," "Mandatory Criteria Applicable to Specific Project Types," and "Additional Actions to Reduce GHG Emissions." The proposed project meets the City's checklist criteria (see Table 16) and therefore is in conformance with the City GHG Reduction Strategy. Since the proposed project would be consistent with the GHG Reduction Strategy, the proposed project would not result in a cumulatively considerable contribution to GHG emissions.

Table 16: Conformance with Greenhouse Gas Reduction Strategy

Measure	Project Compliance
Mandatory Criteria	
Consistent with Land Use/Transportation Diagram	**Compliant.** The project site is designated "Neighborhood Community Commercial" by the Envision San José 2040 General Plan and is within the South Bascom (North) Urban Village boundaries. The project site is zoned "Commercial Pedestrian (CP)." The project would be consistent with the City General Plan land use designation, zoning, and Urban Village Plan standards.

Table 16 (cont.): Conformance with Greenhouse Gas Reduction Strategy

Measure	Project Compliance
Implementation of Green Building Measures	**Compliant.** The project will incorporate Green Building Measures outlined in the General Plan, including site design, architectural design, and construction techniques.
Pedestrian/Bicycle Site Design Measures	**Compliant.** The project will be consistent with the applicable zoning ordinance and various Reduction Strategy policies that address pedestrian, bicycle, and neighborhood connectivity.
Mandatory Criteria Applicable to Specific Project Types	
Salvage building materials and architectural elements from historic structures to be demolished to allow re-use.	**Not applicable.** The project does not involve demolition of a historic structure.
Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries.	**Not applicable.** As a mixed-use development, the project would not be considered to be a part of an energy-intensive industry. While this criterion of the GHG Reduction Plan would not be applicable to the project, the project would incorporate Green Building Measures outlined in the General Plan and include design features aimed to increase energy efficiency.
Preparation and implementation of a TDM Program at large employers.	**Not applicable.** The project would not be considered a large employer.
Limits on Drive-Through and Vehicle Serving Uses; all new uses that serve the occupants of vehicles (e.g., drive-through windows, car washes, service stations) must not disrupt pedestrian flow.	**Not applicable.** The project would not include a drive-through or be considered a vehicle service land use; however, the project would include pedestrian pathways that would allow pedestrian connectivity within the project site and to adjacent land uses.
Additional Actions to Reduce GHG Emissions (Voluntary Measures)	
Installation of solar panels or other clean energy power generation sources on development sites, especially over parking areas.	**Not proposed.** This is not a proposed project feature.
Use of recycled water wherever feasible and cost-effective.	**Not proposed.** This is not a proposed project feature.
Install and maintain trails adjacent to designated trail locations.	**Not applicable.** There are no trails that provide access to the project site and none are proposed; however, the project incorporates numerous public spaces and open landscaped areas to attract pedestrian traffic from neighboring streets. The project includes an internal network or pedestrian pathways that connect South Bascom Avenue to the west of the project site that weaves through the project interior and connects to the existing VTA station to the east of the project site.
Promote car share programs to minimize need for parking spaces.	**Not proposed.** No spaces are currently proposed to be reserved for a car share program.
Avoid the construction of surface parking except as an interim use and use structured parking to fulfill parking requirements.	**Surface parking not proposed.** Three levels of the office component would be dedicated to on-site parking, providing approximately 660 parking spaces. Three levels of the residential component would be dedicated to on-site parking, providing approximately 700 parking spaces. In addition, the project would provide a publically-accessible

Table 16 (cont.): Conformance with Greenhouse Gas Reduction Strategy

Measure	Project Compliance
	outdoor space and plaza that connects South Bascom Avenue to the adjacent Bascom Station VTA platform. The project would involve demolition of existing structures and remove a large asphalt surface parking lot.
Limit parking above code requirements.	**Project is at or below Code Requirements.** The project meets Code Requirements. The project would provide adequate parking pursuant to applicable development standards.
Consider opportunities for reducing parking spaces.	**Not proposed.** The project requires parking spaces for employees, residents, and visitors. The project would provide adequate parking pursuant to applicable development standards.
Source of criteria: City of San José 2011.	

SB 32 2017 Scoping Plan Update

The 2017 Climate Change Scoping Plan Update addressing the SB 32 targets was adopted on December 14, 2017. Table 17 provides an analysis of the project's consistency with the 2017 Scoping Plan Update measures. As shown in Table 17, none of the measures are applicable to the project.

Table 17: Consistency with SB 32 2017 Scoping Plan Update

2017 Scoping Plan Update Reduction Measure	Project Consistency
SB 350: 50 Percent Renewable Mandate. Utilities subject to the legislation will be required to increase their renewable energy mix from 33 percent in 2020 to 50 percent in 2030.	**Not applicable.** This measure would apply to utilities and not to individual development projects. The project would purchase electricity from a utility subject to the SB 350 Renewable Mandate.
SB 350: Double Building Energy Efficiency by 2030. This is equivalent to a 20 percent reduction from 2014 building energy usage compared to current projected 2030 levels.	**Not applicable.** This measure applies to existing buildings. New structures are required to comply with Title 24 Energy Efficiency Standards that are expected to increase in stringency over time. The project would comply with the applicable Title 24 Energy Efficiency Standards in effect at the time building permits are received.
Low Carbon Fuel Standard. This measure requires fuel providers to meet an 18 percent reduction in carbon content by 2030.	**Not applicable.** This is a Statewide measure that cannot be implemented by a project applicant or lead agency. However, vehicles accessing the proposed buildings at the project site would be benefit from the standards.
Mobile Source Strategy (Cleaner Technology and Fuels Scenario). Vehicle manufacturers will be required to meet existing regulations mandated by the LEV III and Heavy-Duty Vehicle programs. The strategy includes a goal of having 4.2 million Zero Emission Vehicles (ZEVs) on the road by 2030 and increasing numbers of ZEV trucks and buses.	**Not applicable.** This measure is not applicable to the project; however, vehicles accessing the buildings at the project site would be benefit from the increased availability of cleaner technology and fuels.

Table 17 (cont.): Consistency with SB 32 2017 Scoping Plan Update

2017 Scoping Plan Update Reduction Measure	Project Consistency
Sustainable Freight Action Plan. The plan's target is to improve freight system efficiency 25 percent by increasing the value of goods and services produced from the freight sector, relative to the amount of carbon that it produces by 2030. This would be achieved by deploying over 100,000 freight vehicles and equipment capable of zero emission operation and maximize near-zero emission freight vehicles and equipment powered by renewable energy by 2030.	**Not applicable.** The project is a mixed-use development that would not support large truck and freight operations.
Short-Lived Climate Pollutant (SLCP) Reduction Strategy. The strategy requires the reduction of SLCPs by 40 percent from 2013 levels by 2030 and the reduction of black carbon by 50 percent from 2013 levels by 2030.	**Not applicable.** The project would not include major sources of black carbon.
SB 375 Sustainable Communities Strategies. Requires Regional Transportation Plans to include a sustainable communities strategy for reduction of per capita vehicle miles traveled.	**Not applicable.** The project does not include the development of a Regional Transportation Plan.
Post-2020 Cap-and-Trade Program. The Post 2020 Cap-and-Trade Program continues the existing program for another 10 years. The Cap-and-Trade Program applies to large industrial sources such as power plants, refineries, and cement manufacturers.	**Not applicable.** The project is not one targeted by the cap-and-trade system regulations, and, therefore, this measure does not apply to the project.
Natural and Working Lands Action Plan. The ARB is working in coordination with several other agencies at the federal, State, and local levels, stakeholders, and with the public, to develop measures as outlined in the Scoping Plan Update and the governor's Executive Order B-30-15 to reduce GHG emissions and to cultivate net carbon sequestration potential for California's natural and working land.	**Not applicable**. The project is in a built-up urban area and would not be considered natural or working lands.
Source of ARB 2017 Scoping Plan Update Reduction Measures: ARB 2017.	

As presented in Table 16, the project is consistent with the applicable mandatory measures of the City's GHG Strategy; therefore, the project would not conflict with the recommendations of AB 32 in achieving a Statewide reduction in GHG emissions. Furthermore, as shown in Table 17, implementation of the project would not conflict with the reduction measures proposed in SB 32. In summary, the proposed plan would not conflict with any applicable plan, policy, or regulation adopted to reduce the emissions of GHGs. Considering this information, the proposed plan would not conflict with any applicable plan, policy, or regulation of an agency adopted to reduce the emissions of GHGs with mitigation.

3.8.2 - Conclusion

Impacts to GHG emissions would be less than significant.

3.9 - HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based on a Phase I Environmental Site Assessment (Phase I ESA) and Subsurface Site Investigation prepared by Stellar Environmental Solutions, Inc., in July 2017. These reports are provided in Appendix E.

Applicable Plans, Policies and Regulations

The Cortese List

The Cortese List (Hazardous Waste and Substances Site List) is a planning document used by the State, local agencies, and developers to comply with CEQA requirements to consider Government Code Section 5962.5 in evaluating proposed development projects. The section requires the Department of Toxic Substances Control shall compile and update a list of hazardous waste sites, handling facilities, disposal facilities, and abandoned sites.

San Francisco Bay Regional Water Quality Control Board

There are nine Regional Water Quality Control Boards (RWQCBs) throughout the State. The San Francisco Bay RWQCB has jurisdiction over projects in the City of San José. Individual RWQCBs function as the lead agencies responsible for identifying, monitoring, and cleaning up leaking Underground Storage Tanks (USTs). Storage of hazardous materials in USTs is regulated by the State Water Board, which oversees the nine RWQCBs.

Envision San José 2040 General Plan

The City General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within City limits. The following policies are specific to hazards and hazardous materials and are applicable to the proposed project.

Envision San José 2040 Relevant Hazardous Material Policies

Policies	Description
Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, State and federal laws, regulations, guidelines and standards.
Policy EC-7.3	Where a property is located in near proximity of known groundwater contamination with volatile organic compounds or within 1,000 feet of an active or inactive landfill, evaluate and mitigate the potential for indoor air intrusion of hazardous compounds to the satisfaction of the City's Environmental Compliance Officer and appropriate regional, state and federal agencies prior to approval of a development or redevelopment project.
Policy EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-based paint and asbestos containing materials, shall be implemented in accordance with State and Federal laws and regulations.

Envision San José 2040 Relevant Hazardous Material Policies

Policies	Description
Action EC-7.8	When an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.
Action EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists
Action EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
Action EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

3.9.1 - Environmental Checklist and Discussion of Impacts

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	1-4
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐	1-4
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school?	☐	☐	☒	☐	1-4
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☒	☐	☐	1-4

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☒	☐	1-4
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	1-4
7. Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐	1-4

As previously discussed in Section 3, on December 17, 2015, the California Supreme Court issued an opinion in *CBIA vs. BAAQMD* holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents, unless the project risks exacerbating those environmental hazards or risks that already exist.

Impact Discussion

1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than significant impact. The Department of Toxic Substance Control (DTSC) is responsible for hazards within the State of California. The DTSC works along with the EPA to enforce and implement hazardous material laws and regulations. The EPA, Caltrans, and Occupational Safety and Health Administration all administer federal laws, regulations, and requirements that deal with hazardous waste.

Commercial and residential developments typically do not involve the regular use, storage, transport, or disposal of significant amounts of hazardous materials. Project construction and operations would involve the minor routine transport and handling of minimal quantities of hazardous substances such as diesel fuels, lubricants, solvents, cleaning supplies, asphalt, pesticides, and fertilizers. Handling and transporting of these materials could result in the exposure of workers and residents to hazardous materials.

During construction, hazardous materials such as diesel fuel and lubricants for construction equipment would be used on-site. Once operational, the office building and residential building would use light caustic solutions and other similar product for routine facility maintenance and cleaning. However, the project would not create a substantial hazard to the public or the environment, because project construction and operation would comply with applicable federal,

State, and local laws pertaining to the safe handling and transport of hazardous materials. Chemicals would be stored on-site in a chemical room, and the generator would be subject to applicable regulations. Any transportation of such materials would comply with applicable regulations and policies that deal with hazardous materials. Therefore, impacts would be less than significant.

2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less than significant impact. Land uses such as offices and apartments with pools/spas typically store and use certain chemicals on-site. This may include solvents and other cleaning chemicals for operations, as well as fertilizers and pesticides for landscaping purposes. However, the project would be required to store chemicals in compliance with applicable regulations and policies that deal with hazardous materials.

The proposed project would involve the minor use of hazardous materials typically required during construction, such as diesel fuel and other motor lubricants. Contractors would comply with applicable federal, State, and local laws pertaining to the safe handling and transport of hazardous materials, which would minimize potential spill occurrences. Spills that may occur during construction activities would likely be minimal and potential adverse effects would be localized. Plans and specifications require contractors to clean up immediately any spills of hazardous materials.

The Phase I ESA indicated that the project site likely contains asbestos-containing materials and lead based paint due to the age of the buildings. Standard Permit Condition HAZ No. 1 requires the applicant to retain a qualified hazardous materials contractor to remove and dispose of asbestos containing materials and lead based paint in accordance with federal and state regulations. Therefore, impacts would be less than significant.

3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?

Less than significant impact. The Del Mar High School athletic fields are located approximately 300 feet to the north of the project site. However, as described above, construction activities and project operations would involve minor routine use of hazardous substances such as diesel fuels, cleaning agents, pesticides, and fertilizers. The use of these substances would be confined to the project site and likely in small quantities. Furthermore, any potential to emit hazardous materials would be confined to the project site and unlikely to reach the school. Therefore, impacts would be less than significant.

4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less than significant impact with mitigation incorporated. The historical land use of the project site from 1939 to 1950 was identified as agricultural land (fruit orchard) and, later, commercial uses that involved the use of underground storage tanks that were closed in place in 1975. The Subsurface Site Investigation conducted in 2017 by Stellar Environmental Solutions, Inc. included testing for metals, petroleum hydrocarbons, volatile organic compounds, and organochloride pesticides found

that soil concentrations for these substances were either below environmental screening levels or within naturally occurring background level.

Furthermore, The Phase I ESA and Subsurface Site Investigation recommended that the UST be removed and a Site Mitigation Plan (SMP) be prepared as part of the planning toward redevelopment. The document would outline procedures and protocols to be employed during the excavation phase of construction to screen for potential contamination encountered and how it is to be handled. MM HAZ-1 reflects these recommendations. With the implementation of this mitigation measure, impacts would be reduced to a level of less than significant.

5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

Less than significant impact. The project site is located 3.6 miles from San José International Airport. The project site is located outside the Airport Influence Area adopted by the Santa Clara County Airport Land Use Commission (ALUC). However, under Federal Aviation Regulations (FAR) Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77), any proposed structure on the project site of greater than approximately 80 feet in height above ground is required under FAR Part 77 to be submitted to the Federal Aviation Administration (FAA) for airspace safety review. As the project proposes an office building with a maximum height of 139 feet above ground, and a residential building with a maximum height of more than 85 feet above ground, an FAA review of both structures is required. An FAA issuance of "determinations of no hazard," and applicant compliance with any conditions set forth in such FAA determinations, will ensure that the project will not adversely impact air safety.

6) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than significant impact. The project would not modify any existing roadways in a way that would impede emergency access or evacuation. The project proposes to demolish the existing structures and remove a surface parking lots in order to construct an office building and residential building along South Bascom Avenue and the Southwest Expressway. Consistent with the Fire Code, the City would review the project to ensure adequate emergency vehicle access.

The project is located at the intersection of local and major roadways, which provide vehicular access to interstate highways and State routes in the vicinity. Response vehicles would likely use these local routes in the event of an emergency. Any temporary roadway closures required during construction would be subject to City review and approval, which ensures consistency with local emergency requirements. Therefore, the project would comply with emergency responses or emergency evacuation plans and have a less than significant impact.

7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Less than significant impact. Refer to Section 3.19, Wildfires. The project is located in a highly-urban area, with urban development surrounding the project site. The project site is adjacent to

apartment complexes and in proximity to athletic fields within a larger urbanized area to the south and residential development to the west. These land use types typically are not associated with wildland fires and usually preclude the possibility of exposure to such threats. Impacts would be less than significant.

Mitigation Measures

Impact HAZ-1 Ground-disturbance activities can release petroleum contamination from underground storage tanks on the project site, which could expose construction workers, future employees, and/or the environment to a significant health risk.

MM HAZ-1 The project applicant shall retain a qualified professional to perform a Phase II soil and groundwater investigation to evaluate the underground tanks that were closed in-place in 1975. The applicant shall obtain permits under the direction of the regulatory oversight agency (Santa Clara County Department of Environmental Health [SCCDEH]) to remove the underground tanks that were closed in-place and perform soil sampling beneath the tanks after removal.

If petroleum contamination is found from the closed underground tanks, then a fuel leak case must be opened with the regulatory oversight agency with the SCCDEH to investigate the extent of contamination and perform remediation, if required. This process will ensure construction worker safety, as well as protecting public health and the environment.

Depending upon the findings of the Phase II soil and groundwater investigation and regulatory response, a SMP, Health and Safety Plan, or similar document may need to be in-place prior to and during construction to protect construction worker safety, the public, and the environment. A copy of the Phase II investigation report and evidence of regulatory oversight shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department prior to issuance of any grading permits.

Standard Permit Conditions

HAZ No. 1

- In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP).
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations, Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.

- All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution Guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, California Code of Regulations, Section 1529, to protect workers from asbestos exposure.
- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- Materials containing more than 1 percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than 1 percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.
- Based on Cal/OSHA rules and regulations, the following conditions are required to limit impacts to construction workers.
  - Prior to commencement of demolition activities, a building survey, including sampling and testing, shall be completed to identify and quantify building materials containing lead-based paint.
  - During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations, Section 1532.1, including employee training, employee air monitoring and dust control.
  - Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of waste being disposed.

3.9.2 - Conclusion

Impacts to hazards and hazardous materials would be less than significant with implementation of mitigation and standard permit conditions.

3.10 - HYDROLOGY AND WATER QUALITY

Applicable Plans, Policies and Regulations

Construction General Permit Projects disturbing more than 1 acre of land during construction are required to comply with the Construction General Permit (Order No. 2009-0009-DWQ as amended by 2010-0014-DWQ, effective February 14, 2011; National Pollutant Discharge Elimination System [NPDES] No. CAS000002). Construction General Permit activities are regulated at a local level by the RWQCB. To obtain coverage under the Construction General Permit, a project applicant must provide a Notice of Intent, a SWPPP, and other documents required by Attachment B of the Construction General Permit. Activities subject to the Construction General Permit include clearing, grading, and disturbances to the ground, such as grubbing or excavation.

The Construction General Permit uses a risk-based permitting approach and mandates certain requirements based on the project risk level (Level 1, Level 2, or Level 3). The project risk level is based on the risk of sediment discharge and the receiving water risk. The sediment discharge risk depends on project location and timing (such as wet season versus dry season activities). The receiving water risk depends on whether the project would discharge to a sediment-sensitive receiving water. The determination of the project risk level would be made when the Notice of Intent is filed (once more details of the timing of the construction activity are known).

The performance standard in the Construction General Permit is that dischargers minimize or prevent pollutants in stormwater discharges and authorized non-stormwater discharges through the use of controls, structures, and BMPs. A SWPPP must be prepared by a qualified SWPPP developer who meets the certification requirements in the Construction General Permit. The purpose of the SWPPP is to (1) help identify the sources of sediment and other pollutants that could affect the quality of stormwater discharges, and (2) describe and ensure the implementation of BMPs to reduce or eliminate sediment and other pollutants in stormwater as well as non-stormwater discharges resulting from construction activity. Operation of BMPs must be overseen by a qualified SWPPP practitioner who meets the requirements outlined in the permit.

Post Construction Urban Runoff Management and Post-Construction Hydromodification Management Policies

Council Policy 6-29 "Post Construction Urban Runoff Management" requires all new development projects to manage to incorporate site design and source control measures as a means to management runoff. The policy requires projects creating 10,000 square feet or more of impervious surfaces to employ Low Impact Development (LID) measures.

Council Policy 8-14 "Post-Construction Hydromodification Management" addresses the management of stormwater runoff to minimize erosion and sedimentation in local waterways through the use of post-construction hydromodification management.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to hydrology and water quality and are applicable to the proposed project.

Envision San José 2040 Relevant Hydrology and Water Quality Policies	
Policies	**Description**
Policy IN-3.7	Design new projects to minimize potential damage due to stormwater and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
Policy ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-5.1	The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a 1 percent annual chance of occurrence, commonly referred to as the "100-year" flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
Policy EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal National Pollutant Discharge Elimination System (NPDES) Permit to reduce urban runoff from project sites.

3.10.1 - Environmental Checklist and Discussion of Impacts

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐	1-4
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐	1-4
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐	1-4, 6

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
(a) result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐	
(b) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐	
(c) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐	
(d) impede or redirect flood flows?	☐	☐	☐	☒	
4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐	1-4, 6
5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐	1-4, 6

As previously discussed in Section 3, on December 17, 2015, the California Supreme Court issued an opinion in *CBIA vs. BAAQMD* holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist.

Impact Discussion

1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Less than significant impact. The project would involve demolition, excavation, and grading activities on-site. Ground-disturbing activities related to construction would temporarily increase the amount of debris on-site. Grading activities may increase erosion and sedimentation that could be carried by runoff into local waterways. Post-construction, the project would increase in pervious surfaces.

The project would remove impervious surfaces and ultimately increase the total amount of pervious surfaces on-site. The project would create and/or replace, however, more than 10,000 square feet of impervious surfaces. Thus, the project would demonstrate compliance with the City Grading Ordinance,[13] the Council Policy 6-29 Post-Construction Urban Runoff, and the RWQCB municipal regional stormwater permit.

Standard Conditions of Approval HYD No. 1 requires the project to implement measures to reduce potential construction-related water quality impacts. The City Grading Ordinance requires a project

[13] City of San José. Municipal Code Section 17.04.340.

applicable to obtain a permit, prior to any grading activities. The permit would condition, among things, drainage and erosion control measures and reporting.

The City would also impose standard permitting conditions based on RWQCB recommendations to avoid, reduce, or minimize water quality impacts. The project would, for example, suspend earthmoving or dust-producing activities during periods of high winds, water all exposed or disturbed soil surfaces, and vegetate disturbed areas as quickly as possible. With implementation of standard permit conditions and compliance with NPDES General Construction Permit, construction of the project would have a less than significant impact on water quality.

The RWQCB municipal regional stormwater permit requires all of the post-construction stormwater runoff to be treated by numerically sized LID treatment controls. A project may incorporate features, such as bio-treatment facilities. The City would ensure compliance with applicable State and local regulatory programs to reduce stormwater runoff from new development would have a less than significant impact on stormwater quality. With implementation of regulatory measures, consistent with RWQCB and City's regulatory policies pertaining to stormwater runoff, operation of the proposed project would have a less than significant water quality impact. The project's compliance with the City's Grading Ordinance, Council Policy 6-29 Post-Construction Urban Runoff Management, and the RWQCB municipal regional stormwater permit would not result in a violation of any water quality standards or waste discharge requirements. Therefore, impacts would be less than significant.

2) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less than significant impact. Approximately 93 percent of the project site is hardscaped with impervious surfaces. The project would result demolition of the existing uses and replacement of 184,567 square feet of roof area, 26,821 square feet of sidewalks, and 55,192 square feet of private street surfaces, totaling 266,580 square feet of impervious surfaces. The project would replace the existing 19,630 square feet of landscaped areas and incorporate approximately 8,857 square feet of new landscaped area, totaling 28,487 square feet of pervious surfaces (a 6 percent increase in pervious surface area over existing conditions). Thus, the project would increase permeability and likely improve site conditions for groundwater recharge.

The Phase I ESA was prepared for the project site (Appendix E) provides geologic and hydrogeological information. The assessment identified that groundwater would be found greater than 50 feet below surface grade at the project site, based on data obtained from a prior nearby case closure. Furthermore, according to a site visit conducted for the Phase I ESA, no groundwater wells were observed on-site.[14]

The Santa Clara Valley aquifer is a groundwater aquifer located in the southern San Francisco Bay Area. The Santa Clara Groundwater Subbasin exists beneath the project site with an estimated usable capacity of 375,000 acre-feet.[15] The geology of the Santa Clara Valley aquifer consists of a

[14] Stellar Environmental Solutions, Inc. *Phase 1 Environmental Site Assessment (for 1388-1420 South Bascom Avenue, San José, California, 95128* (Project No. 2107-36) (July 2017) at pages 14 to 15.

[15] Santa Clara Valley Water District (District). Water Management Plan, 2017 Criteria (2017) at page 23. Website: https://www.valleywater.org/sites/default/files/2017%20Water%20Management%20Plan%20SCVWD%20Final.pdf. Accessed July 1, 2018.

complex stratigraphy of permeable and impermeable units. Management of aquifer resources is associated with the District. The subbasin is an un-adjudicated basin and managed by the District, which ensures that the subbasin does not become overdrafted. As the subbasin manager, the District is also tasked with maintaining adequate storage to optimize reliability during extended dry periods.

The San José Water Company receives approximately one-third of its potable water from the District. The San José Water Company currently supplies water to existing commercial customers located on the project site from a mix of sources including groundwater. San José Water Company would continue to service the proposed commercial and residential uses. The District provides treated surface water directly to San José Water Company and indirectly supplies groundwater to all three water retailers by recharging the Santa Clara Valley subbasin (of which the City of San José is one of multiple users) with imported Delta water. As groundwater is pumped by San José Water Company and other providers in Santa Clara County, the District would continue to manage the subbasin and minimize the potential for overdrafting groundwater resources. Pursuant to the Sustainable Groundwater Management Act, the District is in the process of updating their 2016 Groundwater Management Plan.[16] As of 2018, the Santa Clara subbasin is not designated as in a condition of chronic overdraft, and long-term yields were determined to meet statutory requirements.[17]

San José Water Company receives underground water rights in compliance with District's permitting requirements and extraction fees. In general, San José Water Company uses the most economically feasible water source (surface water, groundwater, or district treated water) to service projects, which is largely determined by the District's groundwater extraction fee rates and contracted water rates.

As described in Section 3.18 Utilities and Service Systems, the project would demand approximately 262,220 gallons per day generated by the proposed commercial and residential components, or 95.7 million gallons per year, or 294 acre-feet per year. Water would be sourced from a blend of managed water resources and not heavily reliant on groundwater. Thus, the project would not result in substantially depleted groundwater resources. The project would not pump groundwater as a water supply and not discharge water back into the groundwater subbasin. Therefore, impacts would be less than significant.

3) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

(a) result in substantial erosion or siltation on- or off-site;

Less than significant impact. The existing project site consists of relatively flat terrain with no significant natural features. The project would demolish existing buildings and remove the existing asphalt surface parking lot. The site would be improved with modern structures and drainage systems. The project would not substantially alter the existing site drainage pattern or the existing

[16] Santa Clara Valley Water District (District). 2016 Groundwater Management Plan. Website: https://www.valleywater.org/your-water/where-your-water-comes-from/groundwater/groundwater-management. Accessed July 1, 2018.

[17] Santa Clara Valley Water District (District). 2016 Groundwater Management Plan at page 4-10. Website: https://s3.us-west-2.amazonaws.com/assets.valleywater.org/2016%20Groundwater%20Management%20Plan.pdf. Accessed July 1, 2018.

drainage of the surrounding area. As previously discussed, the project incorporates specific design features and LID measures to retain stormwater on-site or reduce runoff from entering local waterways. The project would not result in substantial erosion or siltation on- or off-site. Therefore, impacts would be less than significant.

(b) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

Less than significant impact. The existing project site consists of relatively flat terrain with no significant natural features. The project would demolish existing buildings and remove the existing asphalt surface parking lot. The site would be improved with modern structures and drainage systems. The project would not substantially alter the existing site drainage pattern or the existing drainage of the surrounding area. As previously discussed, the project incorporates specific design features and LID measures to retain stormwater on-site and release it at a rate no greater than the pre-development condition of the site. The project would not contribute to downstream flooding. Therefore, impacts would be less than significant.

(c) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

Less than significant impact. The City of San José owns and maintains municipal storm drainage facilities throughout the City. The lines that serve the project site drain into Los Gatos Creek. The Creek flows north/northeast, carrying the effluent from the storm drains into San Francisco Bay. There is no overland release of stormwater directly into any water body from the project site.

Approximately 93 percent of the project site is covered with impervious surfaces. Two existing 15-inch storm drain serve the project site, one beneath South Bascom Avenue and another parallel to the VTA rail line. The project would increase the amount of pervious surfaces by approximately 6 percent, which would result in a net reduction in stormwater runoff. The project would connect to the existing storm drain mains along South Bascom Avenue.

The project would demolish existing uses and replace a large asphalt parking lot. Redevelopment of the site would alter the existing site drainage pattern. However, the project would implement General Plan policies and applicable regulations to reduce runoff. General Plan Policy EC-5.16 requires that the project implement the City adopted Council Policy 6-29 Post-Construction Urban Runoff Management requirements. The management requires stem from the City's Municipal NPDES Permit that to minimize urban runoff from project sites throughout the City.[18] The City of San José's Post-Construction Urban Runoff Policy 6-29 aims to regulate new development and redevelopment projects to minimize and treat stormwater runoff in the City of San José. Council Policy 6-29 Post-Construction Urban Runoff Management requires that development projects implement BMPs and TCMs that contain specific design standards for post-construction TCMs. Through the General Plan and City land use development permitting process, General Plan Policy EC-5.16 helps to manage and reduce urban water runoff from urban development projects.

[18] City of San José. *Post-Construction Urban Runoff Management Council Policy* (October, 2011). Website: https://www.sanjoseca.gov/DocumentCenter/View/3891. Accessed June 30, 2018.

Pursuant to federal and State requirements, the project applicant would prepare and implement a SWPPP. The RWQCB would review and monitor activities to minimize runoff associated with construction-related activities. In compliance with applicable State and local regulations, the project would incorporate bio-retention areas on-site and implement other LID measures to minimize stormwater runoff. Consistent with NPDES permitting requirements as implemented through City applicable policies, the project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Therefore, impacts would be less than significant.

(d) impede or redirect flood flows?

No impact. Based on FEMA Flood Insurance Rate Maps, the project site is located in Flood Zone D. The project site is located outside the 100-year floodplain, and thus, would not place structures or people within a 100-year flood hazard area that would impede or redirect flood flows. No impact would occur.

4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less than significant impact. The project site is located outside the 100-year floodplain. There are no landlocked bodies of water near the project site that would affect the site in the event of a seiche. The project site is more than 20 miles from the Pacific Ocean and, thus, is not susceptible to tsunami inundation.

There are no bodies of water near the project site that would affect the site in the event of a tsunami. The project site is located on nearly flat valley floor topography and is not subject to the risk of mudflows. Therefore, impacts would be less than significant.

5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than significant impact. As previously discussed, the proposed project would install LID treatment measures and would retain and release runoff at a rate no greater than the pre-development condition of the project site. Additionally, the project would be served by the San José Water Company and would not cause a substantial increase in groundwater pumpage. Impacts would be less than significant.

Standard Permit Conditions

HYD No. 1 During construction, the following measures shall be employed:

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.

- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.
- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

3.10.2 - Conclusion

Impacts to hydrology and water quality would be less than significant with implementation of standard permit conditions.

3.11 - LAND USE

Environmental Setting

West

The land uses to the west of the project site across South Bascom Avenue are commercial retail and a residential neighborhood. Commercial businesses range from automotive care and spas to convenient retail. The residential neighborhood is comprised of single-family ranch-style homes and medium-density housing.

North

The land uses to the north of the project site consist of a range of land uses. Multi-family residential and commercial uses abut the project site's northern boundary. Del Mar High School is approximately 300 feet north of the project site.

East and South

The project's eastern boundary is formed by the VTA rail line/Union Pacific Railroad Vasona Branch Line. The VTA Bascom Station is located east of the project site. Multi-family residential uses are located on the other side of the rail line. Los Gatos Creek, which meanders in a southeast to northwest direction, is located south of the multi-family residential uses.

Applicable Plans, Policies and Regulations

Envision San José 2040 General Plan

The General Plan designates the project site as *Urban Village Commercial* in the Envision San José 2040 General Plan Land Use/Transportation Diagram. The *Urban Village Commercial* designation is applied within the Urban Village Growth Areas and supports commercial activity that is more intensive than that of the *Neighborhood/Community Commercial* land use designation. Appropriate uses in this designation include mid-rise office buildings, health care facilities, and hotels, along with ground floor neighborhood-serving commercial and retail uses. Aggregation of smaller parcels is supported in this designation in order to form parcels ideal for larger, mid-rise development. As this is a Signature Project under the General Plan Policy IP-5.10, the project does not have to conform to the Land Use/Transportation Diagram designation.

Development within the *Urban Village Commercial* designation should conform to land use and design standards established with an adopted Urban Village Plan. Development under this designation should be developed with an urban and pedestrian-oriented form.

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to land use and are applicable to the proposed project.

Envision San José 2040 Relevant Land Use Policies

Policies	Description
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the

Policies	Description
	building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-1.18	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
Policy CD-1.24	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-2.3	Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Main Streets, and other locations where appropriate. 1. Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways. 2. Strongly discourage drive-through services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mass of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area. 3. Provide pedestrian connections as outlined in the Community Design Connections Goal and Policies. 4. Locate retail and other active uses at the street level. 5. Create easily identifiable and accessible building entrances located on street frontages or paseos. 6. Accommodate the physical needs of elderly populations and persons with disabilities. 7. Integrate existing or proposed transit stops into project designs.
Policy CD-2.4	Incorporate public spaces (squares, plazas, etc.) into private developments to encourage social interaction, particularly where such spaces promote symbiotic relationships between businesses, residents, and visitors.
Policy CD-2.10	Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land use regulations to require compact, low-impact development that efficiently uses land planned for growth, especially for residential development which tends to have a long life-span. Strongly discourage small-lot and single-family detached residential product types in Growth Areas.
Policy CD-4.5	For new development in transition areas between identified Growth Areas and non-growth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher intensity areas and that reduces potential shade, shadow, massing, viewshed, or other land use compatibility concerns.

Envision San José 2040 Relevant Land Use Policies

Policies	Description
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy CD-7.1	Support intensive development and uses within Urban Villages, while ensuring an appropriate interface with lower-intensity development in surrounding areas and the protection of appropriate historic resources.
Policy CD-7.9	Build new residential development within Urban Village areas at a minimum of four stories in height with a step down in height when building new residential development immediately adjacent to single-family residential sites that have a Residential Neighborhood designation. Individual Urban Village Plans may establish more specific policies or guidelines to ensure compatibility with adjacent single-family neighborhoods, and development should be consistent with these policies and guidelines, established in approved Urban Village Plans.
Policy IE-1.3	As part of the intensification of commercial, Village, Industrial Park and Employment Center job Growth Areas, create complete, mixed-employment areas that include business support uses, public and private amenities, childcare, restaurants and retail goods and services that serve employees of these businesses and nearby businesses.
Policy FS-3.6	Through the land use entitlement process, approve new development projects, including mixed-use residential development, that conform to the completed Urban Village Plan or which provide job capacity above the amount identified in the Urban Village Plan for the subject property.
Policy FS-4.8	Emphasize mixed-use development for most new development, to achieve service efficiencies from compact development patterns and to maximize job development and commercial opportunities near residential development.

South Bascom (North) Urban Village

The South Bascom (North) Urban Village Plan provides a vision for the transformation of South Bascom Avenue into a more urban and walkable corridor and is the City's official Planning policy document for the corridor, providing goals, policies, actions, and urban design guidelines to guide private and public investment to achieve this vision. The South Bascom (North) Urban Village Plan encompasses properties along the corridor running south from the intersection of South Bascom Avenue and I-280, and along the Southwest Expressway.

The Urban Village Plan encourages future development to complement and enhance the existing commercial corridor while also preserving the character of surrounding neighborhoods. Four defining Vision elements form the foundation of this Plan's policy and action framework and are as follows: (1) A Vital Employment Center, (2) A Well-Connected Neighborhood, (3) A Vibrant Heart of the Community, and (4) A Great Street.

The growth capacity for the South Bascom (North) Urban Village is 1,000 jobs (300,000 square feet) and 1,560 residential units. The project site is designated *Urban Village Commercial* in Urban Village land use designations and is located within the Transit-Oriented Development Gateway Character Area.

Zoning Ordinance

Title 20 of the San José Municipal Code contains the Zoning Ordinance. The Zoning Ordinance sets forth zoning districts, associated uses, and development standards. The project site is in the CP–Commercial Pedestrian Zoning District. This zoning district is intended to support pedestrian-oriented retail activity at a scale compatible with surrounding residential neighborhoods. Retail, restaurants, and office uses are permitted in the CP zoning district. Mixed use residential is a special use that is only allowed within the boundaries of an Urban Village.

A Planned Development (PD) Zoning District allows for uses and development standards to be customized to reflect the characteristics of the project and the constraints of site. PD Zoning begins with a base district, which is then modified to reflect the attributes of the project and site. Such zoning is typically used for projects that involve a mix of uses. The project will have a base zoning district of CP–Commercial Pedestrian, which supports a mix of residential and commercial uses.

3.11.1 - Environmental Checklist and Discussion of Impacts

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Physically divide an established community?	☐	☐	☒	☐	1
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	2

Impact Discussion

1) Physically divide an established community?

Less than significant impact. The project site is within the City limits and is bounded on the west by South Bascom Avenue, on the north by residential development and commercial development, on the east by the Southwest Expressway, and on the south by a major intersection with protected rail crossings for a commuter line and an active freight line. Existing land uses in the surrounding area include general commercial to the west and south, medium-density housing to the east, and low/medium density housing to the west across South Bascom Avenue.

The physical division of an established community would occur if construction of a large linear feature such as a railroad or interstate highway occurred or removal of access that would impact mobility such as a bridge. The project would be consistent with the City's General Plan land use designation, zoning, and the South Bascom (North) Urban Village Plan standards. This project does not sever any linkages between established communities. The proposed access road on the south side of the site would not significantly divide a community, because the project would connect foot traffic along South Bascom Avenue to the existing VTA light rail station and facilitate multi-modal activities among residents and employees on-site. In addition, project would improve circulation along South Bascom Avenue to areas other than the project site. The project does not propose the

type of development or infrastructure that would significantly divide an established community, such as an interstate highway. As a result, a less than significant impact on established communities would occur.

2) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less than significant impact. The project site is designated *Urban Village Commercial* by the Envision San José 2040 General Plan and is within the South Bascom (North) Urban Village boundaries. The project site is zoned CP—Commercial Pedestrian.

The project site is located in the southern tip of the South Bascom (North) Urban Village planning boundary. The South Bascom (North) Urban Village Plan is intended to help shape the vision for the transformation of the South Bascom Avenue corridor. The South Bascom (North) Urban Village Plan encompasses properties along the corridor running south from the intersection of South Bascom Avenue and I-280 and Southwest Expressway. The South Bascom Urban Village has a buildout potential of 1,560 dwelling units and 300,000 square feet (equaling 1,000 jobs) of non-residential uses. Buildings are allowed up to 150 feet (approximately 12 stories).

The proposed project would be a Signature Project within the South Bascom (North) Urban Village. It would also be the second project processed within this Urban Village, with Holden Assisted Living Project being the first. The maximum scope of the project includes a maximum of 600 dwelling units and up to 300,000 square feet of commercial/office uses. The maximum allowable height is 150 feet. The FAR would be 2.66. As such, it would represent 39 percent of the allowable dwelling units and 100 percent of the allowable non-residential square footage within the Urban Village. The two buildings would be within the 150-foot limit for the Urban Village. As such, it would be consistent with the allowable provisions of the South Bascom (North) Urban Village Plan.

The site would be rezoned from the CP–Commercial Pedestrian Zoning District to the CP(PD) Planned Development Zoning District which would facilitate a mixed use project including both office and transit-oriented residential. The PD district would use the CP zoning district as a base district and provide modified allowable uses and development standards that reflect the Urban Village concept and attributes of the proposed project. The rezoning would achieve consistency with the General Plan and South Bascom (North) Urban Village Plan.

Overall, the proposed project implements the General Plan's vision for Urban Villages as locations along transit corridors and commercial corridors that can accommodate additional jobs and housing. Impacts would be less than significant.

3.11.2 - Conclusion

Impacts to land use would be less than significant.

3.12 - MINERAL RESOURCES

Applicable Plans, Policies and Regulations

Surface Mining and Reclamation Act

The State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 (SMARA) has designated an area of Communications Hill in Central San José, bounded by the Union Pacific Railroad, Curtner Avenue, SR-87, and Hillsdale Avenue, as a regional source of construction aggregate materials. Other than the Communications Hills area, San José does not have mineral deposits subject to SMARA.

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	☐	☐	☐	☒	1-4
2. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	1-4

Impact Discussion

1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?

No impact. The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Mount Hamilton-Diablo Range were exposed by continuous tectonic uplift and regression of the inland sea that had previously inundated the area. As a result of this process, the topography of the City is relatively flat and there are no significant mineral resources.

The SMARA is the primary State law concerning mineral resources, including sand, gravel, and building stone which are important for commercial purposes. Because of the economic importance of mineral resources, SMARA limits new development in areas with significant mineral deposits. Pursuant to SMARA, State Geologists classified specific areas into Mineral Resource Zones (MRZs).

The Santa Clara County Mineral Land Classification Map has classified the project site in either MRZ-1 or MRZ-3d, defined as areas that indicate that no significant mineral deposits exist or the information is inadequate for assignment to any other MRZ zone. Implementation of the project would not result in the loss of availability of a known resource that would be of value to the region and the residents of the State. Therefore, no impact would occur.

2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No impact. The project site is located on a previously developed site in a highly urbanized area of the City. The surrounding urban development includes commercial buildings and residential neighborhoods. The City General Plan does not designate any mineral recovery sites near the project site. There are no known mineral deposits and no active mineral extraction sites on the project site or in the immediate vicinity. The project would not result in the loss of availability of a locally important mineral recovery site. Therefore, no impact would occur.

3.12.1 - Conclusion

Impacts to mineral resources would be less than significant.

3.13 - NOISE AND VIBRATION

The following discussion is based on Noise supporting information generated by FCS in May 2018. A copy of this report is attached in Appendix F.

Environmental Setting

Noise Fundamentals

Noise is generally defined as unwanted sound. Sound becomes unwanted when it interferes with normal activities, causes physiological harm or interferes with communication, work, rest, recreation, and sleep. Sound is produced by the vibration of sound pressure waves in the air. Sound pressure levels are used to measure the intensity of sound and are described in terms of decibels. The decibel (dB) is a logarithmic unit, which expresses the ratio of the sound pressure level being measured to a standard reference level. The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3 dB or less are only perceptible in laboratory environments. Audible increases in noise levels generally refer to a change of 3 dB or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. Only audible changes in existing ambient or background noise levels are considered potentially significant.

An increase of 10 dB represents a 10-fold increase in acoustic energy, while 20 dB is 100 times more intense, and 30 dB is 1,000 times more intense. Each 10-dB increase in sound level is perceived as approximately a doubling of loudness. Sound intensity is normally measured through the A-weighted sound level. A-weighted decibels (dBA) approximate the subjective response of the human ear to a broad frequency noise source by discriminating against very low and very high frequencies of the audible spectrum. They are adjusted to reflect only those frequencies that are audible to the human ear.

Noise Descriptors

There are many ways to rate noise for various time periods, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound, including during sensitive times of the day and night. The predominant rating scales in the State of California are the equivalent sound level (L_{eq}), the community noise equivalent level (CNEL), and the Day-Night Average Sound Level (DNL) are based on dBA. The equivalent continuous sound level (L_{eq}) is the total sound energy of time varying noise over a sample period. The CNEL is the time varying noise over a 24-hour period, with a 5 dBA weighting factor applied to the hourly L_{eq} for noises occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and 10 dBA weighting factor applied to noise occurring from 10:00 p.m. to 7:00 a.m. (defined as sleeping hours). The DNL is similar to the CNEL scale, but without the adjustment for events occurring during the evening relaxation hours. CNEL and DNL measurements are typically within 1 dBA of each other and are normally exchangeable. These additions are made to the sound levels at these times because there is a decrease in the ambient noise levels during the evening and nighttime hours, which creates an increased sensitivity to sounds. For this reason, sound is perceived to be louder in the evening and nighttime hours as compared with daytime hours, and is weighted accordingly. Many cities rely on the CNEL noise standard to assess transportation-related impacts on noise-sensitive land uses.

Applicable Plans, Policies and Regulations

State

The State of California has established regulations that help prevent adverse impacts to occupants of buildings located near noise sources. Referred to as the "State Noise Insulation Standard," it requires buildings to meet performance standards through design and/or building materials that would offset any noise source in the vicinity of the receptor. State regulations include requirements for the construction of new hotels, motels, apartment houses, and dwellings other than detached single-family dwellings that are intended to limit the extent of noise transmitted into habitable spaces. The State also includes noise requirements in the California Code of Regulations, Title 24 (known as the Building Standards Administrative Code), Part 11 (known as the California Green Building Standards Code [CALGreen]). The noise insulation standards require that the wall and roof-ceiling assemblies of new non-residential developments that are exposed to exterior noise in excess of 65 dBA CNEL shall meet a composite sound transmission class (STC) rating of at least 50, with exterior windows of a minimum STC rating of 40. In addition, the standards require preparation of an acoustical analysis demonstrating the manner in which dwelling units have been designed to meet this standard (i.e., to achieve a maximum interior sound level of 45 Dba DNL/CNEL in any habitable room), where such development is proposed in an area with exterior noise levels greater than 65 dBA CNEL.

Government Code Section 65302 mandates that the legislative body of each county and city in California adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines published by the State Department of Health Services. The guidelines rank noise and land use compatibility in terms of normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable.

Envision San José 2040 General Plan

The following are the goals and policies established by the Envision San José 2040 General Plan and are applicable to the proposed project:

Envision San José 2040 General Plan Applicable Noise and Vibration Policies

Policies	Description
Policy EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, State and City noise standards and guidelines as a part of new development review.
Policy EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (see Table 4.12-4 categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would: • Cause the Day-Night Average Sound Level (DNL) at noise sensitive receptors to increase by five A-weighted decibel (dBA) DNL or more where the noise levels would remain "Normally Acceptable"; or • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
Policy EC-1.3	Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property

Envision San José 2040 General Plan Applicable Noise and Vibration Policies

Policies	Description
	line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.
Policy EC-1.6	Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.
Policy EC-1.7	Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would: • Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
Policy EC-1.9	Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, implement mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms.
Policy EC-2.1	Near light and heavy rail lines or other sources of ground-borne vibration, minimize vibration impacts on people, residences, and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration. Require new development within 100 feet of rail lines to demonstrate prior to project approval that vibration experienced by residents and vibration sensitive uses would not exceed these guidelines.
Policy EC-2.3	Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec (peak particle velocity) PPV will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

3.13.1 - Environmental Checklist and Discussion of Impacts

Would the project result in:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐	1-4, 10
2. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	1-4
4. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1-4

Consistent with Appendix G of the CEQA Guidelines, a proposed project would normally result in significant noise impacts if noise levels generated by the project conflict with adopted environmental standards or plans, if the project would generate excessive groundborne vibration levels, or if ambient noise levels at sensitive receivers would be substantially increased over a permanent, temporary, or periodic basis.

Thresholds of Significance

A significant impact would occur if the project would result in a conflict with the City's adopted land use compatibility standards. The applicable standards are summarized as follows:

- The City's "normally acceptable" land use compatibility threshold of 60 dBA DNL for proposed Residential, Hotels and Motels, Hospitals and Residential Care land use development; or
- The City's "conditionally acceptable" land use compatibility threshold of 5 DNL for proposed Residential, Hotels and Motels, Hospitals and Residential Care land use development; or
- The City's "normally acceptable" land use compatibility threshold of 70 dBA DNL for proposed Office Buildings, Business Commercial, and Professional Offices land use development; or,
- The City's "conditionally acceptable" land use compatibility threshold of 80 dBA DNL for proposed Office Buildings, Business Commercial, and Professional Offices land use development.

Additionally, a significant impact would occur if noise levels would exceed the City's noise performance standards as follows:

- The City's interior noise level threshold of 45 dBA DNL for new residential, hotels, motels, residential care facilities, and hospital land use developments; or
- For new residential development affected by noise from BART light rail, the City's interior noise level threshold for recurring maximum instantaneous noise levels of 50 dBA maximum noise/sound level (L_{max}) in bedrooms and 55 dBA L_{max} in other rooms; or
- The City's exterior noise level threshold of 60 dBA DNL for residential and most institutional land uses.

Existing Conditions

This analysis is based on the noise impact analysis prepared by FCS. Ambient noise measurement data and traffic noise modeling data are provided in Appendix D.

Three short-term (15-minute) and one long-term (35-hour) ambient noise measurements were taken on the project site and in the project vicinity to document existing daytime ambient noise levels. The short-term noise measurements were taken during the midday hours, which typically have the highest daytime noise levels.

Short-term noise measurement ST-1 was taken in the southern corner of the project site, approximately 30 feet from the intersection of South Bascom Avenue and Southwest Expressway; short-term noise measurement ST-2 was taken near the western boundary of the project site in the existing parking lot, approximately 20 feet from South Bascom Avenue; and short-term noise measurement ST-3 was taken near the northern boundary of the project site, between South Bascom Avenue and Allegado Alley. The resulting daytime ambient noise levels were measured at 68.5 dBA, 66.2 dBA, and 55.5 dBA L_{eq} respectively. Exhibit 5 depicts the noise measurement locations.

LT-1 was conducted near the southeastern boundary of project site and approximately 20 feet from the Light Rail/Cal Train tracks near the façade of the proposed multi-family residential building. The resulting measurement showed that ambient noise levels at this location averaged 71.5 dBA DNL.

Based on the noise monitoring results, ambient noise levels range up to 71.5 dBA DNL at the eastern façade of the proposed multi-family residential building. These noise levels are within the City's "conditionally acceptable" range of 60 dBA to 75 dBA DNL for new residential land use developments. In addition, these noise levels are within the "conditionally acceptable" range of 70 dBA to 80 dBA DNL for new office buildings land use developments. Under the "conditionally acceptable" designation, the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design. Specific impacts from traffic and railroad noise sources are discussed below, and design measures to reduce potential impacts are identified.

Source: ESRI Aerial Imagery.

FIRSTCARBON SOLUTIONS™

225 112.5 0 225 Feet

Exhibit 5
Noise Measurement Locations

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Impact Discussion

This section discusses potential impacts associated with the proposed project and provides mitigation measures where necessary.

1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Short Term Construction Impacts

Less than significant impact. For purposes of this analysis, based on General Plan Policy EC-1.7, the City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would involve substantial noise generating activities continuing for more than 12 months.

Based on the City's Municipal Code, construction activities within 500 feet of a residential land use are restricted to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday, as it would result in annoyance or sleep disturbance of nearby sensitive receptors. Such activities shall not be permitted at any time on weekends. Construction activities occurring outside of these hours may be approved through a development permit. These requirements are outlined in Standard Permit Condition Noise No. 1.

Construction Traffic Noise

One type of noise impact that could occur during project construction would result from the increase in traffic flow on local streets, associated with the transport of workers, equipment, and materials to and from the project site. Construction crew commutes and the transport of construction equipment and materials to the site for the proposed project would incrementally increase noise levels on access roads leading to the site. Although there would be a relatively high single event noise exposure potential causing intermittent noise nuisance (passing dump trucks at 50 feet would generate up to a maximum of 84 dBA L_{max}), the effect on longer-term (hourly or daily) ambient noise levels would be small. Because project construction workers and construction equipment would use existing routes, noise from passing trucks would be similar to existing vehicle-generated noise on these local roadways. Furthermore, existing average daily trips on South Bascom Avenue are in excess of 27,000. Therefore, project-related construction trips would not double the traffic volumes along roadway segments leading to the project site and would thus not result in a perceptible change in existing traffic noise levels. For these reasons, short-term intermittent noise from trucks would be minor when averaged over a longer time-period and would not be expected to exceed existing peak noise levels in the project vicinity. Therefore, short-term, construction-related impacts associated with worker commute and equipment transport to the project site would be less than significant.

Construction Equipment Noise

Noise impacts from construction activities associated with the project would be a function of the noise generated by construction equipment, equipment location, sensitivity of nearby land uses, and the timing and duration of the construction activities. Construction noise levels are rarely steady in nature and, often, fluctuate depending on the type and number of equipment being used at any

given time. In addition, there could be times where large equipment is not operating and noise would be at or near normal ambient levels.

Construction is completed in discrete steps, each of which has its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on the site and, therefore, the noise levels surrounding the site as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase.

The loudest individual pieces of construction equipment expected to operate on the project site include scrapers, bulldozers, roller compactors, and graders, which produce typical maximum noise levels ranging up to approximately 85 dBA L_{max} at 50 feet. A characteristic of sound is that each doubling of sound sources with equal strength increases a sound level by 3 dBA. Assuming that each piece of construction equipment operates at some distance from the other equipment, a reasonable worst-case combined noise level during this phase of construction would be 90 dBA L_{max} at a distance of 50 feet from the acoustic center of a construction area. This would result in a reasonable worst-case hourly average of 86 dBA L_{eq}. The acoustical center reference is used because construction equipment must operate at some distance from one another on a project site, and the combined noise level as measured at a point equidistant from the sources (acoustic center) would be the worst-case maximum noise level.

The closest residential land use to the project site's proposed construction areas is a residence located south of Stokes Street between South Bascom Avenue and the Southwest Expressway. This closest residential land use would be located approximately 100 feet from the acoustic center of the nearest building footprint where the loudest individual pieces of construction equipment would potentially operate at the project site. At this distance, maximum noise levels from construction activities could range up to approximately 84 dBA L_{max} if multiple pieces of heavy construction equipment operated simultaneously at the nearest building footprint. However, taking into account the acoustical shielding provided by the intervening wall between the project site and the nearest residential receptor, construction noise levels would attenuate to below 79 dBA L_{max} at the facade of the nearest residential land use.

The closest commercial land use to the project site's proposed construction areas is the Girl Scouts of Northern California building located on the southeastern corner of the South Bascom Avenue and Stokes Street intersection. This closest commercial land use would be located approximately 100 feet from the acoustic center of the nearest building footprint where the loudest individual pieces of construction equipment would potentially operate at the project site. At this distance, maximum noise levels from construction activities could range up to approximately 84 dBA L_{max} at the facade of the nearest commercial land use if multiple pieces of heavy construction equipment operated simultaneously at the nearest building footprint.

Although there could be a relatively high single event noise exposure potential causing an intermittent noise nuisance, the effect of construction noise levels on longer-term (hourly or daily) ambient noise levels would be small but could result in annoyance or sleep disturbances at nearby sensitive receptors. The proposed project would be located within 100 feet of an existing residential

land use and within 100 feet of an existing commercial land use. The project construction is expected to last for a period of more than 12 months, and consistent with General Plan Policy EC-1.7, would consider this temporary construction impact to be potentially significant. Therefore, MM NOI-1 requires a construction noise logistics plan prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The plan would specify hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints.

Implementation of this construction noise logistics plan would ensure that construction noise would not result in sleep disturbances at nearby off-site sensitive receptors or expose nearby land uses to noise levels in excess of established standards. Therefore, the potential short-term construction noise impacts on sensitive receptors in the project vicinity would be reduced to a less than significant level.

Operational/Stationary Source Noise Impacts

Less than significant impact. A significant impact would occur if operational noise levels generated by stationary noise sources from project-related noise levels would cause a substantial permanent increase in existing ambient noise levels at noise-sensitive receptors in the project vicinity.

The City considers significant substantial permanent noise impacts to occur if a project would cause ambient noise levels to increase by any of the following as measured at any noise sensitive receptor:

- 5 dBA DNL or more where the noise levels would remain "Normally Acceptable;" or
- 3 dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable."

The City's land use compatibility standards are shown in Table 18.

Table 18: Land Use Compatibility Guidelines for Community Noise in San José

Exterior Noise Exposure (DNL in Decibels (DBA))									
Land Use Category	**55**	**60**		**65**		**70**		**75**		**80**
1. Residential, Hotels and Motels, Hospitals and Residential Care[1]									
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds									
3. Schools, Libraries, Museums, Meeting Halls, Churches									
4. Office Buildings, Business Commercial, and Professional Offices									
5. Sports Arena, Outdoor Spectator Sports									

Table 18 (cont.): Land Use Compatibility Guidelines for Community Noise in San José

Exterior Noise Exposure (DNL in Decibels (DBA))										
Land Use Category	**55**	**60**		**65**		**70**		**75**		**80**
6. Public and Quasi-Public Auditoriums, Concert Halls, Amphitheaters										

Key:

	Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
	Conditionally Acceptable: Specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features included in the design.
	Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.

Note:
[1] Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.
Source: City of San José 2011. Envision San José 2040 General Plan, Noise Element. November 1.

Existing peak noise hour ambient noise levels in the project vicinity range up to 71.5 dBA DNL, with daytime hourly average noise levels of 73.1 L_{eq}, and nighttime hourly average noise levels of 55.3 L_{eq}.

The proposed project would include new stationary noise sources, parking activities and new mechanical ventilation equipment operation. These would be potential point sources of noise that could affect noise-sensitive receptors in the project vicinity.

Parking Lot Activities

Typical parking lot activities include vehicles cruising at slow speeds, doors shutting, or cars starting, generate noise levels of approximately 60 dBA to 70 dBA L_{max} at 50 feet.

The project site plan does not include any surface parking lot areas. Noise levels generated by parking lot activities at the project site would be contained within the project's proposed parking structures. Therefore, noise levels generated by parking lot activities at the project site would have no impact on off-site receptors in the project vicinity. Furthermore, noise levels from any internal circulation of vehicles (traveling at speeds below 25 miles per hour [mph]) on the project site would be more than 10 dBA below existing traffic noise levels on adjacent roadways and would therefore result in no increase in existing ambient noise levels. Roadway traffic noise impacts are analyzed below and found to be less than significant.

Mechanical Ventilation Systems

At the time that this analysis was prepared, details were not available pertaining to proposed rooftop mechanical ventilation systems to be included at the project site; therefore, a reference noise level for typical rooftop mechanical ventilation systems was used. Noise levels from typical

rooftop mechanical ventilation equipment are anticipated to range up to approximately 60 dBA L_{eq} at a distance of 25 feet.

Proposed rooftop mechanical ventilation systems for the residential buildings of the project could be located as close as 50 feet from the property line of the nearest residence, which is a multi-family residential home located south of Stokes Street between South Bascom Avenue and the Southwest Expressway. The mechanical ventilation equipment would be setback at least 10 feet from the edge of the proposed building's rooftop. This would effectively block the line of sight between the equipment and the nearest residential receptor, providing an expected 10 dBA of noise reduction as measured at the nearest residential receptor. At this distance and with the addition of the shielding provided by the roof line/parapet, noise levels generated by rooftop mechanical ventilation equipment would attenuate to approximately 44 dBA L_{eq} at the property line of the nearest existing residential receptor. When averaged over a 24-hour period, reasonable worst-case operational noise levels would average approximately 50 dBA DNL, as measured at this nearest residential receptor. Therefore, these noise levels would not exceed the City's normally acceptable land use compatibility standard of 60 dBA DNL for receiving residential land uses.

Proposed rooftop mechanical ventilation systems for the residential buildings of the project could be located as close as 36 feet from the property line of the nearest existing commercial land use which is the Girl Scouts building located on the southeastern corner of the South Bascom Avenue and Stokes Street intersection. At this distance and with the addition of the shielding provided by the roof line/parapet, noise levels generated by rooftop mechanical ventilation equipment would attenuate to approximately 47 dBA L_{eq} at the property line of the nearest existing commercial receptor. When averaged over a 24-hour period, reasonable worst-case operational noise levels would average approximately 53 dBA DNL, as measured at this nearest commercial receptor. Therefore, these noise levels would not exceed the City's normally acceptable land use compatibility standard of 70 dBA L_{max} for receiving commercial land uses.

Operational noise levels of the proposed commercial office land use of the project must also not exceed the City's noise performance standard of 55 dBA DNL at adjacent residential land uses, per General Plan Policy EC-1.3 of the Noise Element. Proposed rooftop mechanical ventilation systems for the proposed commercial office buildings of the project could be located as close as 100 feet from the nearest receiving residential land use which would be the proposed residential uses of the project. At this distance and with the addition of the shielding provided by the roof line/parapet, noise levels generated by rooftop mechanical ventilation equipment would attenuate to approximately 44 dBA L_{eq} at this nearest residential receptor. When averaged over a 24-hour period, reasonable worst-case operational noise levels would average approximately 50 dBA DNL, as measured at this nearest residential receptor. Therefore, these noise levels would not exceed the City's noise performance standard of 55 dBA DNL.

Existing peak noise hour ambient noise levels in the project vicinity range up to 71.5 dBA DNL. Therefore, mechanical ventilation system operational noise levels would not exceed existing background ambient noise levels in the project vicinity, or exceed the City's applicable land use compatibility standards for receiving land uses, or exceed the City's noise performance standard of 55 dB DNL as measured at the nearest residential property line. Therefore, operational noise

sources would not result in a substantial permanent increase in noise levels compared with noise levels existing without the project and this impact would be less than significant.

Operational/Mobile Source Noise Impacts

Less than significant impact. According to the San José General Plan, the City considers permanent increases in ambient noise levels to be significant if a new development would result in an increase by any of the following levels as measured at any noise sensitive receptor:

- 5 dBA DNL or more where the noise levels would remain "Normally Acceptable;" or
- 3 dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable."

As shown in the traffic noise modeling results summarized in Table 19, the highest traffic noise level increase with implementation of the project would occur along South Bascom Avenue between Pamlar Avenue and the Southwest Expressway. Along this roadway segment, the project would not result in an increase of approximately 1 dBA DNL under both background plus project conditions and cumulative plus project conditions (see Table 19). This increase in traffic noise levels would be well below the minimum 3 dBA DNL increase that the City would consider a potential substantial permanent increase in ambient noise levels per General Plan Policy EC-1.2. Therefore, the impact of project-related traffic noise levels on existing ambient noise levels in the vicinity of the project site would be less than significant.

Table 19: Traffic Noise Increase Model Results Summary

Roadway Segment	Existing No Project DNL (dBA)	Background No Project DNL (dBA)	Background Plus Project DNL (dBA)	Increase over Background No Project (dBA)	Cumulative No Project DNL (dBA)	Cumulative Plus Project DNL (dBA)	Increase over Cumulative No Project (dBA)
South Bascom Avenue—Stokes Street to Whitethorne Drive	66	66	66	0	66	66	0
South Bascom Avenue—Whitethorne Drive to Pamlar Avenue	66	66	66	0	66	66	0
South Bascom Avenue—Pamlar Avenue to Southwest Expressway	66	66	67	1	66	67	1
Stokes Street—South Bascom Avenue to Southwest Expressway	60	60	60	0	60	61	1
Southwest Expressway—South Bascom Avenue to Stokes Street	63	63	63	0	64	64	0

Note:
CNEL (dBA) is stated as measured at 50 feet from the centerline of the outermost travel lane.
All of the noise level values in this table have been rounded to the nearest whole number.
Source: FCS 2018.

2) Generation of excessive groundborne vibration or groundborne noise levels?

Less than significant impact. A significant impact would occur if construction activities at the proposed project site would result in vibration levels in excess of established standards at off-site receptors in the project vicinity. The City's General Plan established a vibration threshold of 0.2 inches/sec peak particle velocity (PPV) for cosmetic damage at buildings of normal conventional construction. For historic buildings or buildings that are documented to be structurally weakened, a vibration threshold of 0.08 inches/sec PPV is used to provide the highest level of protection.

Due to the proposed residential and commercial land uses, operational vibration is not anticipated. However, existing sources of groundborne vibration in the project vicinity include vibration from railroad activity along the VTA Light Rail railroad line, located approximately 40 feet west of the proposed multi-family residential building façade. Analysis for compliance with General Plan Policy EC-2.1, for existing sources of groundborne vibration is discussed in Section 3.13.2 below.

Short-term Construction Vibration Impacts

Construction activities are a known source of groundborne noise and vibration. Construction activities, including the removal of existing pavement, site preparation work, excavation, foundation work, and new building erection, could generate excessive vibration levels at nearby sensitive land uses or historic buildings. Construction of the proposed project would require the use of heavy construction equipment. Of the variety of equipment used during construction, the small vibratory rollers that would be used in the site preparation phase of construction would produce the greatest groundborne vibration levels. Small vibratory rollers produce groundborne vibration levels of up to 0.101 PPV (in/sec) at 25 feet from the operating equipment. This analysis did not account for the use of pile-driving equipment. If such equipment is proposed, a separate noise analysis would need to be prepared.

The nearest off-site receptor is a commercial business building located near the northwestern corner of the project site, approximately 50 feet from the nearest construction footprint where the heaviest construction equipment would potentially operate. At this distance, groundborne vibration levels would range up to 0.036 PPV from operation of the types of equipment that would produce the highest vibration levels. These levels are well below the City's vibration limit threshold of 0.20 in/sec PPV for buildings that are found to be structurally sound but structural damage is a major concern. Therefore, groundborne vibration impacts associated with development of the proposed project on nearby structures would be less than significant.

3) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No impact. The closest airport to the project site is the Norman Y. Mineta San José International Airport, located approximately 3.6 miles north of the project site's northern boundary. The project site is located outside the Airport Influence Area adopted by the Santa Clara County ALUC and located outside of the airport's 65 dBA CNEL noise contours. In addition, the project site is not located with the vicinity of a private airstrip. Therefore, the project would not expose persons

residing or working in the project area to noise levels in excess of established standards or any noise land use compatibility standard established by the Santa Clara County Airport Land Use Commission. Therefore, no impact would occur.

3.13.2 - Non-CEQA Considerations

As discussed in Section 3, on December 17, 2015, the California Supreme Court issued an opinion in *CBIA vs. BAAQMD* holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. In light of this ruling, the effect of existing noise conditions on future residents of the project would not be considered an impact under CEQA. Nevertheless, the City maintains development policies pertaining to noise impacts with which the proposed project must comply. Therefore, the following analysis is provided for informational purposes only.

Traffic Noise Impacts

The projected future traffic noise levels on roadway segments adjacent to the project site were analyzed to determine compliance with the City's noise and land use compatibility standards. The Federal Highway Administration (FHWA) highway traffic noise prediction model (FHWA RD-77-108) was used to evaluate existing and future traffic noise conditions in the vicinity of the project site. Traffic data used in the model was obtained from the traffic study prepared for the project (Appendix E). The resultant noise levels were weighed and summed over a 24-hour period in order to determine the DNL values. The model inputs and outputs, including the 60 dBA, 65 dBA, and 70 dBA DNL traffic noise contour distances, are provided in Appendix D of this document. Table 20 shows a summary of traffic noise levels for the existing, background, and cumulative project scenarios as measured at 50 feet from the centerline of the outermost travel lane.

Table 20: Traffic Noise Model Results Summary

Roadway Segment	Existing No Project DNL (dBA)	Background No Project DNL (dBA)	Background Plus Project DNL (dBA)	Exceed Acceptable Noise Land Use Compatibility Standard? (Office/ Residential)	Cumulative No Project DNL (dBA)	Cumulative Plus Project DNL (dBA)	Exceed Acceptable Noise Land Use Compatibility Standard? (Office/ Residential)
South Bascom Avenue—Stokes Street to Whitethorne Drive	66	66	66	No/No	66	66	No/No
South Bascom Avenue—Whitethorne Drive to Pamlar Avenue	66	66	66	No/Yes	66	66	No/Yes
South Bascom Avenue—Pamlar Avenue to Southwest Expressway	66	66	67	No/No	66	67	No/No
Stokes Street—South Bascom Avenue to Southwest Expressway	60	60	60	No/No	60	61	No/No

Table 20 (cont.): Traffic Noise Model Results Summary

Roadway Segment	Existing No Project DNL (dBA)	Background No Project DNL (dBA)	Background Plus Project DNL (dBA)	Exceed Acceptable Noise Land Use Compatibility Standard? (Office/ Residential)	Cumulative No Project DNL (dBA)	Cumulative Plus Project DNL (dBA)	Exceed Acceptable Noise Land Use Compatibility Standard? (Office/ Residential)
Southwest Expressway—South Bascom Avenue to Stokes Street	63	63	63	No/No	64	64	No/No

Note:
CNEL dBA is stated as measured at 50 feet from the centerline of the outermost travel lane.
All of the noise level values in this table have been rounded to the nearest whole number.
Source: FCS 2018.

The traffic noise model results show that projected traffic noise levels along South Bascom Avenue between Pamlar Avenue and the Southwest Expressway would range up to 67 dBA DNL as measured at 50 feet from the centerline of the outermost travel lane under cumulative plus project conditions. The nearest façade of the proposed office building would be located approximately 87 feet from the centerline of South Bascom Avenue. At this distance, traffic noise levels from South Bascom Avenue would range up to approximately 67 dBA DNL at the nearest façade of this building. These noise levels are within the City's "normally acceptable" range of up to 70 dBA DNL for new office building land use developments.

The traffic noise model results show that projected traffic noise levels along South Bascom Avenue between Whitethorne Drive and Pamlar Avenue would range up to 66 dBA DNL as measured at 50 feet from the centerline of the outermost travel lane under cumulative plus project conditions. The nearest façade of the proposed multi-family residential building would be located approximately 72 feet from the centerline of South Bascom Avenue. At this distance, traffic noise levels from South Bascom Avenue would range up to approximately 68 dBA DNL at the nearest façade of this building. These noise levels are within the City's "conditionally acceptable" range of 60 dBA to 75 dBA DNL for new residential land use developments. Under the "conditionally acceptable" designation.

Based on EPA Protective Noise Levels, with a combination of walls, doors, and windows, standard construction in accordance with Northern California building code requirements for residential and office building developments would provide 25 dBA in exterior-to-interior noise reduction with windows closed and 15 dBA or more with windows open. With windows open, the interior noise levels of the proposed units nearest to South Bascom Avenue would not meet the City's interior noise standard of 45 dBA DNL for indoor sleeping areas (i.e., 68 dBA–15 dBA = 53 dBA). However, with implementation of the proposed air conditioning system that would allow windows to remain closed for prolonged periods, it would be sufficient to reduce traffic noise levels to meet the interior noise level standard of 45 dBA DNL (i.e., 68 dBA–25 dBA = 43 dBA). With implementation of the proposed mechanical ventilation system, these traffic noise levels would not exceed the City's interior noise level threshold of 45 dBA DNL in General Plan Policy EC-1.1.

On-site Railroad Noise Impacts

In addition to traffic noise impacts, the project site would be exposed to noise impacts from the adjacent railroad activities. The VTA Light Rail and the Union Pacific railroad lines are located immediately east of the project site. According to the VTA, this rail line could see up to 69 daily roundtrips for commuter trains. Based on the field observations, the site experiences approximately 2 daily freight line train-passings per day.

Based on the noise monitoring results, ambient noise levels average 71.5 dBA DNL at the proposed building façades closest to and facing the rail line. Additionally, maximum noise levels from trains sounding their warning horns as they approach the at-grade crossing on Stokes Street and the Southwest Expressway were documented to range up to 92.8 dBA L_{max}, as measured at the proposed building façades closest to and facing the rail line. As noted previously, these noise levels are within the City's "conditionally acceptable" range of 60 dBA to 75 dBA DNL for new residential land use developments; and are within the "conditionally acceptable" range of 70 dBA to 80 dBA DNL for new office buildings land use developments. Under the "conditionally acceptable" designation, the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.

Based on the EPA's Protective Noise Levels,[19] with a combination of walls, doors, and windows, standard construction in accordance with Northern California building code requirements for multi-family residential developments would provide 25 dBA in exterior-to-interior noise reduction with windows closed and 15 dBA or more with windows open. With windows open, the interior noise levels of the proposed units nearest to VTA Light Rail line would not meet the City's interior noise standard of 45 dBA DNL for indoor sleeping areas (i.e., 72 dBA–15 dBA = 57 dBA). Furthermore, even with implementation of the proposed air conditioning system that would allow windows to remain closed for prolonged periods, the proposed units with direct line of sight to the rail line would not meet the City's interior noise standard of 45 dBA DNL for indoor sleeping areas (i.e., 72 dBA–25 dBA = 47 dBA).

Therefore, to ensure railroad noise levels are reduced to maintain the 45 dBA DNL interior noise level threshold, all project wall assemblies (windows, doors, and wall combinations) that have a direct line of sight to the VTA Light Rail line should be upgraded to have a combined minimum STC rating of STC-30. This would provide sufficient noise reduction to maintain an interior noise level of 45 dBA DNL with a sufficient margin for design safety (72 dBA–30 dBA = 42 dBA). However, maximum noise levels from train horn noise could still result in sleep disturbance. Therefore, impacts related to train horn noise are analyzed below.

Train Horn Noise Impacts

Based on the ambient noise monitoring results, maximum noise levels from trains sounding their warning horns as they approach the at-grade crossing on Stokes Street and the Southwest Expressway were documented to range up to 92.8 dBA L_{max} at the nearest façades of the proposed multi-family residential building. These maximum noise levels could result in sleep disturbances of persons in rooms that have a direct line-of-sight to the railroad tracks. According to City policy EC-1.9, for new residential development affected by noise from light rail, the City requires

[19] EPA 550/9-79-100, November 1978.

implementation of mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms.

To ensure train horn noise levels are reduced to maintain the 50 dBA L_{max} interior noise level threshold for bedrooms, all proposed residential building wall assemblies of bedroom units (windows, doors, and wall combinations) that are facing the rail line would need to be upgraded to have a combined minimum STC rating of STC-43 (93 dBA–43 dBA = 50 dBA). All other types of rooms (non-bedrooms) would need upgraded wall assemblies with a combined minimum STC rating of STC-38 (93 dBA–38 dBA = 55 dBA). It is recommended that a further detailed site-specific noise modeling be performed that accounts for window-to-wall surface ratio to determine more exactly the design measures that would be required to maintain an interior noise level of 50 dBA/55 dBA L_{max} in bedrooms/other rooms, respectively, that have a direct line of sight to the rail line.

Therefore, implementation of the project design features included in Standard Permit Condition Noise No. 2 would be required to reduce potential railroad activity noise impacts.

On-site Railroad Vibration Impacts

According to General Plan Policy EC-2.1, for new developments located within 100 feet of light and heavy rail lines or other sources of ground-borne vibration, a significant impact would occur if ground-borne vibration levels would exceed standards established in the FTA Vibration Impact Criteria. The thresholds for residences and buildings where people normally sleep are 72 velocities in decibels (VdB) for frequent events (more than 70 events of the same source per day), 75 VdB for occasional events (30 to 70 vibration events of the same source per day), and 80 VdB for infrequent events (less than 30 vibration events of the same source per day). According to the VTA, the VTA Light Rail railroad line located adjacent to the proposed project site could see up to 69 daily roundtrips for commuter trains. Therefore, the applicable operational vibration limit threshold for this project is 75 VdB (for locations with 30 to 70 vibration events of the same source per day).

The FTA provides vibration assessment guidelines and methodology in the Transit Noise and Vibration Impact Assessment manual dated May 2005. According to this guidance, vibration level calculations can be made based on train type and speeds, distance from the rail line, and soil and rail bed conditions. Based on conditions observed at the project site during noise monitoring, train speeds averaged less than 30 mph adjacent to the project site. Therefore, assuming train speeds of 30 mph and a distance of 40 feet to the nearest façade, projected light-rail-line activity vibration levels at the nearest façade of the proposed residential structures would not exceed 70 VdB.

Therefore, implementation of the project would not expose persons at the project site or include any permanent sources that would expose persons in the project vicinity to the generation of excessive operational groundborne vibration levels exceeding the FTA operational vibration limit threshold of 75 VdB for occasional events (30 to 70 vibration events of the same source per day) as established by the General Plan Policy EC-2.1.

Mitigation Measures

Impact NOI-1 Construction of the proposed project would last more than 12 months and would result in potential construction noise impacts in the vicinity of sensitive residential land uses.

MM NOI-1 The project applicant shall retain a qualified professional to prepare a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who shall respond to neighborhood complaints. Measures from this plan shall be included on all approved grading and building permit plans. Measures to be included in the plan shall include, but are not limited to, the following:

- Notifying the neighborhood of the construction activities and construction schedule (including estimated dates of various construction phases) at least one week and no more than three weeks prior to the start of construction.
- Prohibit unnecessary idling of internal combustion engines. Equipment shall be shut off when not in use and the maximum idling time shall be limited to five minutes.
- In order to minimize construction noise impacts, best available noise control practices and equipment (including mufflers, intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) shall be used for all heavy earthmoving equipment, impact tools, compressors, engine generators, and diesel-fueled trucks. A letter from a qualified acoustic specialist shall be attached to the plan along with a list of proposed construction equipment, certifying that the proposed construction equipment includes the best available noise attenuating technologies.
- Prohibit the use of impact pile driving as a foundation construction method. Require alternate methods of construction such as pre-drilling and auger case piles, if needed.
- If impact equipment (e.g., jackhammers, pavement breakers, or rock drills) is needed during construction, hydraulically or electric-powered equipment shall be used wherever feasible to avoid the noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used. External jackets on the tools themselves shall also be used if available and feasible.
- Locate equipment at the work area as far away from the nearby residential areas as possible to maximize the distance to noise-sensitive receptors and to take advantage of any shielding that may be provided by other on-site equipment.
- Designate a “noise disturbance coordinator” who shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to

correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.

The construction noise logistics plan shall be reviewed and approved by the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement prior to issuance of any grading permit and/or building permits.

Standard Permit Condition

Noise No. 1 Noise minimization measures include, but are not limited to, the following:

- Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific “construction noise mitigation plan” and a finding

by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

Noise No. 2 In order to reduce the potential for sleep disturbance related to noise from railroad activity along the VTA Light Rail railroad line, the project shall incorporate the following design features, or the equivalent thereof:

Additional detailed site-specific noise modeling shall be performed that accounts for window-to-wall surface ratio to determine more exactly the design measures that would be required to maintain an interior noise level of 50 dBA/55 dBA L_{max} in bedrooms/other rooms, respectively, that have a direct line of sight to the rail line. The analysis shall be performed by a qualified acoustical consultant and submitted to the City for approval prior to issuance of building permits. One possible noise reduction design measure is to require wall assemblies (windows, doors, and wall combinations) of the proposed residential bedroom façades that are facing the rail line to be upgraded to have a combined minimum STC rating of STC-43; and other room façades to have a combined minimum STC-38 rating. The combined window and wall assemblies must be designed and constructed in a manner that ensures that no gaps are permitted around windows and all protrusions or openings are properly sealed.

3.13.3 - Conclusion

Impacts to noise and vibration would be less than significant with implementation of mitigation and standard permit conditions.

3.14 - POPULATION AND HOUSING

3.14.1 - Environmental Checklist and Discussion of Impacts

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐	1-4
2. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐	1-4

Impact Discussion

A project can induce substantial population growth by (1) proposing new housing beyond projected or planned development levels, (2) generating demand for housing as a result of new businesses, (3) extending roads or other infrastructure to previously undeveloped areas, or (4) removing obstacles to population growth (e.g., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

1) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less than significant impact. Since 2000, the total population of San José has increased by an average of 12,795 residents per year. The City population reached 1,023,083 at the beginning of 2010. Over half of the City's housing stock consists of single-family detached units. However, multi-family development (i.e., apartments, condominiums, and townhouses) represents the fastest growing type of housing in recent years, accounting for approximately 75 percent of all residential construction snice 2000. The City anticipates the average household size to decrease from a contemporary rate of 3.2 people to approximately 3.06 persons per residential unit by 2035. Current census data indicates that the population of San José is approximately 1,035,317.[20]

The project site consists of a strip-mall commercial development with some boarded structures and fenced properties. The site does not contain housing or residential uses but surrounded by apartment complexes and low to medium density housing development. Typical of an established urbanized area, the project area contains roadways and supporting public infrastructure. In addition, the project site is within the South Bascom (North) Urban Village planning boundaries. The

[20] United States Census Bureau. Quick Facts, City of San José Population (2017). Website: https://www.census.gov/quickfacts/fact/table/sanJosécitycalifornia,US/PST045217. Accessed June 26, 2018.

City anticipated that the project site would absorb future commercial and residential growth. The City is drafting the plan with a development potential of 432,000 square feet of non-residential uses, up to 1,560 new dwelling units, and approximately 1,440 jobs.

The proposed project would demolish existing buildings and construct a mix of commercial and residential land uses. As described in Section 2.4 Project Description, office uses would consist of up to 300,000 gross square feet and residential uses would consist of up to 600 dwelling units. Consistent with the Envision San José 2040 General Plan and South Bascom (North) Urban Village Plan, the project components would help the City achieve its vision for the Bascom corridor area and accommodate future growth given the project area's a strategic location and vicinity to major roadways.[21] The project would not directly or indirectly result in substantial unplanned population growth, and therefore, impacts would be less than significant.

2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (Checklist Question 2)

Less than significant impact. The City selectively identified the project site for potential redevelopment to support a mix of residential and non-residential land uses. In that effort, the City continues to manage expected housing growth and improve its job-to-housing balance. As discussed above, the project site consists of a strip-mall commercial development, with degraded and fenced structures. The site does not contain housing or residential uses but surrounded by apartment complexes and low to medium density housing development. The project proposes to construct a new residential component, and thus, not displace a substantial number of existing housing. Therefore, impacts would be less than significant.

3.14.2 - Conclusion

Impacts to population and housing would be less than significant.

[21] City of San José. Envision San José 2040 General Plan, Planned Growth Areas Diagram. See, *Urban Village C39.* Website: http://www.sanjoseca.gov/DocumentCenter/View/7463. Accessed June 26, 2018.

3.15 - PUBLIC SERVICES

The San José Fire Department provides fire protection to the project site. The San José Police Department provides police protection to the project site. The Campbell Unified School District provides K-12 education to the project site. The City of San José owns and maintains parks in the project vicinity.

Applicable Plans, Policies and Regulations

Envision San José 2040 General Plan

The following are the goals and policies established by the Envision San José 2040 General Plan and are applicable to the proposed project:

Envision San José 2040 General Plan Applicable Public Services Policies

Policies	Description
Policy CD-5.5	Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities and other standards set forth in local, state, and federal regulations.
Policy ES-3.1	Provide rapid and timely Level of Service response time to all emergencies: 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
Policy ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly visible and accessible spaces.
Policy ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.

3.15.1 - Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a) Fire protection?	☐	☐	☒	☐	1-4
b) Police protection?	☐	☐	☒	☐	1-4
c) Schools?	☐	☐	☒	☐	1-4

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
d) Parks?	☐	☐	☒	☐	1-4
e) Other public facilities?	☐	☐	☒	☐	1-4

Impact Discussion

a) Fire protection?

Less than significant impact. The San José Fire Department provides fire protection services for the project area. The San José Fire Department responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) throughout the City. Emergency responses is provided by 30 engine companies, nine truck companies, one urban search and rescue company, one hazardous incident team company, and numerous specialty teams and vehicles. The closest fire station to the project is Station No. 4, located at 710 Leigh Avenue, 1.2 miles northeast of the project site. A second fire station is located at 1386 Cherry Avenue, 2.4 miles east of the project site. The General Plan identifies a service goal of a total response time of 8 minutes and a total travel time of 4 minutes or less for 80 percent of emergency incidents.

The project would increase the residential population of San José. The proposed commercial component would also increase the total population during standard business hours, but not permanently increase the residential population. Furthermore, the project is consistent with the anticipated and planned growth for the area and would be constructed in accordance with current building and fire codes. General Plan Policy CD-5.5 requires the project to demonstrate design elements during the development review process that address security and safety. Safety issues include, but not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities articulated in local, State, and federal regulations. General Plan Policy ES-3.11 ensures that adequate water supplies are available for fire-suppression throughout the City. The policy further requires development to construct and include all fire suppression infrastructure (e.g., interior piping and sprinklers) as well as equipment needed for project components.

As described in Section 2.4 Project Description, the project would incorporate an emergency vehicle access route. The route circumnavigates the project site in order to provide adequate emergency access throughout the site. The project site further designed an emergency vehicle access point at the central eastern portion of the site, thus, allowing emergency vehicles and services to access the project site interior from multiple points of entry. The proposed project would not require new fire stations to be constructed or existing fire stations to be expanded to serve the development while maintaining City service goals. Therefore, impacts would be less than significant.

b) Police protection?

Less than significant impact. Police protection services for the project site are provided by the San José Police Department. Officers are dispatched from police headquarters, located at 201 West Mission Street. The police headquarters is located approximately 4.7 miles northeast of the project site. The General Plan identifies a service goal of 6 minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (non-emergency) calls.

The project would increase the resident population of San José. The proposed commercial component would also increase the total population during standard business hours, but not permanently increase the residential population. Furthermore, the project is consistent with the anticipated and planned growth for the area and would not result in demand for services beyond the capabilities of the San José Police Department.

In addition, the project would be constructed in accordance with current building codes and would be required to maintain building and site conditions in accordance with applicable City General Plan policies to avoid unsafe conditions and promote public safety. General Plan Policy ES-3.9 requires projects to implement urban design techniques that promote public and property safety through safe, durable construction and publically-visible and accessible spaces. Consistent with General Plan policies, the project incorporates numerous public spaces and open landscaped areas to attract pedestrian traffic from neighboring streets. The project includes an internal network or pedestrian pathways that connect South Bascom Avenue to the west of the project site that weaves through the project interior and connects to the existing VTA station to the east of the project site. The project further incorporates open public areas to accommodate art features and benches along the landscaped pedestrian pathways between the commercial component and residential component. The project would not require new police stations to be constructed or existing police stations to be expanded to serve the proposed development while maintaining City service goals. Therefore, impacts would be less than significant.

c) Schools?

Less than significant impact. The City of San José includes 22 public school districts that currently operate 222 public schools. The project site is located within the Campbell Unified School District, which includes parts of six cities in Santa Clara County. The Campbell Unified School District has nine elementary schools, three middle schools, and a Home School program as well as district-operating preschools. The nearest elementary school is Sherman Oaks, located at 1800 Fruitdale Avenue approximately 1.1 miles south of the project site. The project site is located within the Campbell Union High School District, which includes six high schools; the nearest high school to the project site is Del Mar High, located at 1224 Del Mar Avenue approximately 0.4 mile north of the project site.

The project would be expected to increase demand on school facilities. While the project would increase the number of students attending local schools, the City coordinates anticipated population growth with school districts to ensure adequate school capacities. Demand on school facilities is also gradual and the City assessed demands in the General Plan EIR, which concluded that implementation of applicable General Plan policies and programs, and payment of impact fees,

would reduce impacts to local schools to less than a significant level. State law (Government Code § 65996) identifies the payment of school impact fees as an acceptable method of offsetting a project's impact on school facilities. In San José, developers can either negotiate directly with the affected school district or make a payment per square foot of new multi-family units and commercial uses, prior to the issuance of a building permit. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code. Therefore, impacts would be less than significant.

d) Parks?

Less than significant impact. The City's Department of Parks, Recreation, and Neighborhood Services is primarily responsible for the development, operation, and maintenance of all City park facilities. The City of San José owns approximately 187 neighborhood-serving parks and 9 regional parks. The City adopted a Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) with the goal of providing 3.5 acres of neighborhood/community serving parking per 1,000 residents (see also, General Plan Policy PR-1.1, provide 3.5 acres per 1,000 population). Pursuant to the PDO/PIO, the City calculates demand on park and recreational facilities based on the anticipated population from proposed development in a given area. The General Plan estimated a population of 1,313,811 by 2035, which would increase demand for park and recreational facilities. The population growth would create a parkland deficit of approximately 2,187 acres (including local park lands and regional park lands). The closest parks to the project site are the Marijane Hamann Park and Willow Street Frank Bramhall Park (0.7 mile to the northwest at 2747 Westfield Avenue and 2 miles to the northeast at 1320 Willow Avenue, respectively).

The City General Plan EIR concluded that the City's PDO/PIO would be satisfied through several ways including: dedication of land, payment of in-lieu fees, credit for qualifying recreational private recreational amenities, and/or credits for improvement costs to parkland or recreational facilities. Pursuant to General Plan Policies PR-2.4 and 2.5, parkland dedication, developer-driven impact fees, and PIO-derived funds would be allocated to ensure that new residents and existing residents in the area (within a 3-mile radius of new residential development) receive the benefit from new amenities and community serving elements (recreational and athletic fields, community gardens, and community centers).

In addition, the project would provide a publically accessible outdoor space and plaza that connects South Bascom Avenue to the adjacent Bascom Station VTA platform. The office component would incorporate landscaping throughout the surrounding area and include two public plazas with sculptural features. A decomposed granite walking/jogging path would connect the plazas to South Bascom Avenue and the VTA station platform. The residential component would include a pool and spa area. The walking/jogging path would connect to plazas leading to South Bascom Avenue and the VTA station platform. In total, the project proposes a total of approximately 240,735 gross square feet of common space (see Section 2.4–Project Description).

The project is located in an area that the City anticipates to create an attractive urban environment with an array of compatible new land uses. The project is consistent with the City's broader planning efforts and therefore accounted for in the City General Plan. The project would also comply with PDO/PIO requirements, and implementation of the project would not result in substantial adverse

impacts to park or recreational facilities in San José. Therefore, the project would not increase the use of existing parks or other recreational facilities such that substantial physical deterioration would occur. Impacts would be less than significant.

e) Other public facilities?

Less than significant impact. The General Plan EIR considered the increased demand for public facilities, such as libraries, associated with the anticipated growth at build out of the General Plan. The San José Public Library is the largest public library system between San Francisco and Los Angeles. The San José Public Library System consists of one main library and 22 branch libraries. Residents in the project area are served by two local library facilities; the Dr. Martin Luther King Jr. Main Library, located approximately 5 miles northeast of the project site, and the Cambrian Branch Library, located approximately 3.5 miles to the south of the project site.

While the project would increase the demand for libraries and other public facilities, the City coordinates anticipated population growth with special districts and City departments to ensure adequate capacities. Demand on public facilities is also gradual and the City assessed future demands in the General Plan EIR, which concluded that implementation of applicable General Plan policies and programs, and payment of impact fees, would reduce impacts to public facilities to less than a significant level.

The General Plan EIR concluded that development and redevelopment allowed under the proposed General Plan would be adequately served by existing and planned library facilities. The increased residents at the project site were analyzed as part of the City's General Plan and as part of the planned residential growth in the City. Therefore, implementation of the project would not result in significant impacts to public facilities in the San José.

3.15.2 - Conclusion

Impacts to public services would be less than significant.

3.16 - RECREATION

Applicable Plans, Policies and Regulations

Envision San José 2040 General Plan

The following are the goals and policies established by the Envision San José 2040 General Plan and are applicable to the proposed project:

Envision San José 2040 General Plan Applicable Recreation Policies

Policies	Description
Policy PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a 3/4 mile radius of the project site that generates the funds.
Policy PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, dog parks, sport fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.
Policy PR-2.6	Locate all new residential developments over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, open space or recreational school grounds open to the public after normal school hours or shall include one or more of these elements in its project design.

3.16.1 - Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐	1-4
2. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☒	☐	1-4

Impact Discussion

1) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Less than significant impact. See Section 3.15 Public Services. The project would include the construction of two multi-story buildings. The residential building would include an outdoor

pool/spa area and the office building would include landscaping. In addition, landscaping would connect public plaza areas located throughout the site. The presence of project amenities could reduce the additional demand for and increased use of existing park facilities by residents. Due to the transient nature of office employees, it is not likely that they would result in additional demand for park facilities.

All residential projects in the City need to comply with the Park Impact Ordinance (Municipal Code § 14.25) and the Parkland Dedication Ordinance (Municipal Code § 19.38) help meet the need for providing or improving recreational facilities (i.e. parks, trails, community centers). Therefore, project is subject to payment of in-lieu park impact fees, a portion of the latter applying directly to the City's Park Trust Fund, which primarily funds parks and recreational facilities. The fees would allow the City to provide new recreational opportunities and would ensure the increased demand for recreational facilities would not result in substantial physical deterioration of such amenities. Therefore, impacts would be less than significant.

2) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

Less than significant impact. Besides the pool/spa area and landscaping with public plaza amenities provided as part of the project, no other recreational facilities would be developed. Accordingly, the project would not result in the construction or expansion of recreational facilities that might have adverse physical effect on the environment. Therefore, impacts would be less than significant.

3.16.2 - Conclusion

Impacts to recreation would be less than significant.

3.17 - TRANSPORTATION

The following discussion is based on Transportation Analysis prepared by Hexagon Transportation Consultants, Inc. in April 2019. A copy of this report is attached in Appendix G.

Applicable Plans, Policies and Regulations

Regional Transportation Planning

The MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. The MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. The MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes the region's Sustainable Communities Strategy (integrating transportation, land use, and housing to meet GHG reduction targets set by the ARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, state, regional and local sources over the next 24 years).

Congestion Management Program

The Santa Clara VTA oversees the Congestion Management Program (CMP), a program aimed at reducing regional traffic congestion. The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gas tax revenues. The CMP legislation requires that each CMP contain the following five mandatory elements: (1) a system definition and traffic level of service standard element; (2) a transit service and standards element; (3) a trip reduction and transportation demand management element; (4) a land use impact analysis program element; and (5) a capital improvement element. The Santa Clara County CMP includes the five mandated elements and three additional elements including: (1) a county-wide transportation model and data base element; (2) an annual monitoring and conformance element; and (3) a deficiency plan element. The VTA has review responsibility for proposed development projects that are expected to affect CMP designated intersections.

Transportation Analysis Policy (Council Policy 5-1)

In March 2018, City Council adopted the Transportation Analysis Policy (Council Policy 5-1) which aligned with SB 743 and the City's goals as set forth in the City's General Plan. The policy replaces its predecessor (Council Policy 5-3) and establishes the thresholds for transportation impacts under the CEQA based on vehicle miles traveled (VMT) instead of level of service (LOS). The intent of this change is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway auto capacity to a reduction in vehicle emissions, and the creation of robust multi-modal networks that support integrated land uses. The new transportation policy aligns with the currently adopted General Plan, which seeks to focus new development growth within Planned Growth Areas, bringing together office, residential, and supporting service land uses to internalize trips and reduce VMT.

Envision San José 2040 General Plan

The City General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to transportation and are applicable to the proposed project.

Envision San José 2040 Relevant Transportation Policies

Policy	Description
Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
Policy TR-1.5	Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
Policy TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-5.3	The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas and specified exceptions identified in the General Plan for Area Development Policies, small projects, the Downtown Core Area, Special Strategy Areas, and Protected Intersections. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.
Policy TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
Policy TR-8.6	Allow reduced parking requirements for mixed-use developments and for developments provided shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Urban Villages and other Growth Areas.
Policy TR-8.9	Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.
Policy TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.
Policy CD-2.3	Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.

3.17.1 - Environmental Checklist and Discussion of Impacts

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐	1-4, 9
2. Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☒	☐	1-4, 9
3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐	1-4
4. Result in inadequate emergency access?	☐	☐	☒	☐	1-4

Impact Discussion

1) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less than significant impact. South Bascom Avenue currently consists of six-travel lanes with a two-way left-turn lane, bike lanes, and on-street parking along specific segments the project site frontage. However, the City of San José's South Bascom (North) Urban Village Plan and a study currently being completed by the VTA identify the planned improvement of South Bascom Avenue along the project frontage as a Complete Street. The project site access points and frontage design provide for the implementation of the planned Complete Street improvement of South Bascom Avenue. If the Bascom Corridor Complete Street Study is complete at the time of project implementation plan approval, the project will be required to construct its frontage improvements.

VTA Bascom Avenue Corridor Complete Street Improvement Study

In 2016, the VTA in partnership with its member agencies initiated a study to transform 5.9 miles of South Bascom Avenue from I-880 to State Route 85 (SR-85) into a high-quality multi-modal street that prioritizes bicycle, pedestrian, and transit travel while still serving motorists. The study will identify Complete Streets transportation improvements and develop an implementation plan for the corridor that will promote mobility and connectivity, enhance safety and security, and address pedestrian and bicycle issues.

South Bascom (North) Urban Village Plan Streetscape Design Guidelines

The City of San José's South Bascom (North) Urban Village Plan establishes Streetscape Design Guidelines for South Bascom Avenue that is intended to allow for the implementation of complete street concepts and design standards. The design guidelines provide for the repurposing of the right-of-way along South Bascom Avenue to improve conditions for pedestrians and bicyclists by implementing wider sidewalks, landscaped medians, landscaping, and a cycle track along the extent

of South Bascom Avenue. The South Bascom (North) Urban Village Plan identifies the following for the segment of South Bascom Avenue that runs along the project's frontage:

- Remove one travel lane in each direction and reduce the width of existing travel lanes to accommodate cycle track lanes and two parking lanes.
- Install a landscape buffer as protection between the cycle track and parking lanes.
- Intersperse landscape plantings with street trees into parking lanes where possible.
- Maintain the median turn lane and incorporate a landscaped center median with pedestrian refuges at key intersections.
- Plant columnar-shaped shade trees along existing sidewalks where possible.
- As new private development occurs, gradually acquire right-of-way to widen sidewalks, providing space for a range of amenities such as seating and outdoor dining.

2) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Less than significant impact. Per Council Policy 5-1, the effects of the proposed project on VMT was evaluated using the methodology outlined in the City's Transportation Analysis Handbook. VMT is the total miles of travel by personal motorized vehicles a project is expected to generate in a day. VMT measures the full distance of personal motorized vehicle-trips with one end within the project. The City has developed the San José VMT Evaluation Tool (sketch tool) to determine whether a project would result in CEQA transportation impacts related to VMT. The sketch tool is the City's approved methodology for evaluating the VMT of residential, office, and industrial projects.

The sketch tool evaluates a list of selected VMT reduction measures that can be applied to a project to reduce the project VMT. There are four strategy tiers whose effects on VMT can be calculated with the sketch tool:

1. Project characteristics (e.g. density, diversity of uses, design, and affordability of housing) that encourage walking, biking and transit uses.
2. Multimodal network improvements that increase accessibility for transit users, bicyclists, and pedestrians,
3. Parking measures that discourage personal motorized vehicle-trips, and
4. TDM measures that provide incentives and services to encourage alternatives to personal motorized vehicle-trips.

The first three strategies—land use characteristics, multi-modal network improvements, and parking—are physical design strategies that can be incorporated into the project design. TDM includes programmatic measures that aim to reduce VMT by decreasing personal motorized vehicle mode share and by encouraging more walking, biking, and riding transit. TDM measures should be enforced through annual trip monitoring to assess the project's status in meeting the VMT reduction goals.

CEQA Transportation Analysis Exemption Criteria

Exhibit 6 outlines the CEQA VMT analysis screening criteria for development projects, specifically residential/office projects. The project site is located within a planned Growth Area (South Bascom Avenue Urban Village) with low VMT per employee as identified by the sketch tool. However, the proposed office component of the project will not meet all of the applicable VMT screening criteria. In addition, the project site is not located in an area with low VMT per capita, thus the proposed residential units do not meet the City's screening criteria. Therefore, a CEQA-level transportation analysis that evaluates the project's effects on VMT is required.

Thresholds of Significance

If a project is found to have a significant impact on VMT, the impact must be reduced by modifying the project to reduce its VMT to an acceptable level (below the established thresholds of significance applicable to the project) and/or mitigating the impact through multi-modal transportation improvements or establishing a Trip Cap (maximum number of personal motorized vehicle-trips within specified timeframes that are allowed to be generated by a project).

The two criteria applicable for the proposed project are described below.

1. Projects that include general employment uses (office) are said to create a significant adverse impact when the estimated project-generated VMT exceeds the existing regional average VMT per employee minus 15 percent per day. Currently, the reported regional average is 14.37 VMT per employee. This equates to a significant impact threshold of 12.21 VMT per employee per day. Exhibit 7 depicts a VMT per capita heat map.
2. Projects that include residential uses are said to create a significant adverse impact when the estimated project-generated VMT exceeds the existing citywide average VMT per capita per day minus 15 percent or existing regional average VMT per capita minus 15 percent, whichever is lower. Currently, the reported citywide average is 11.94 VMT per capita, which is less than the regional average. This equates to a significant impact threshold of 10.12 VMT per capita. Exhibit 8 depicts a VMT per job heat map.

Projects that trigger a VMT impact can assess a variety of the four strategies described above to reduce impacts. A significant impact is said to be satisfactorily mitigated when the strategies and VMT reductions implemented render the VMT impact less than significant.

VMT of Existing Land Uses

The results of the VMT analysis using the sketch tool indicate that the existing VMT for residential uses in the project vicinity is 11.03 per capita and employment uses is 11.88 per employee. The current citywide average VMT for residential uses is 11.91 per capita and the regional average VMT for employment uses is 14.37 per employee. Therefore, the VMT levels of existing uses in the project vicinity are currently less than the average VMT levels. Appendix A presents the sketch tool summary report for the project.

Project-Level VMT Impact Analysis

Project-level VMT is outlined in Exhibit 9.

Type	Significance Criteria	Current Level	Threshold
Residential Uses	Project VMT per capita exceeds existing citywide average VMT per capita minus 15 percent OR existing regional average VMT per capita minus 15 percent, whichever is lower.	11.91 VMT per capita (Citywide Average)	10.12 VMT per capita
General Employment Uses	Project VMT per employee exceeds existing regional average VMT per employee minus 15 percent	14.37 VMT per employee (Regional Average)	12.21 VMT per employee
Industrial Employment Uses	Project VMT per employee exceeds existing regional average VMT per employee	14.37 VMT per employee (Regional Average)	14.37 VMT per employee
Retail/ Hotel/ School Uses	Net increase in existing regional total VMT	Regional Total VMT	Net Increase
Public/Quasi-Public Uses	In accordance with the most appropriate type(s) as determined by Public Works Director	Appropriate levels listed above	Appropriate thresholds listed above
Mixed Uses	Evaluate each land use component of a mixed-use project independently, and apply the threshold of significance for each land use type included	Appropriate levels listed above	Appropriate thresholds listed above
Change of Use or Additions to Existing Development	Evaluate the full site with the change of use or additions to existing development, and apply the threshold of significance for each project type included	Appropriate levels listed above	Appropriate thresholds listed above
Area Plans	Evaluate each land use component of the area plan independently, and apply the threshold of significance for each land use type included	Appropriate levels listed above	Appropriate thresholds listed above

Source: City of San José Transportation Analysis Handbook, April 2018.

Hexagon Transportation Consultants, Inc., April 29, 2019.

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Exhibit 6
CEQA VMT Analysis Significant Impact Criteria for Development Projects

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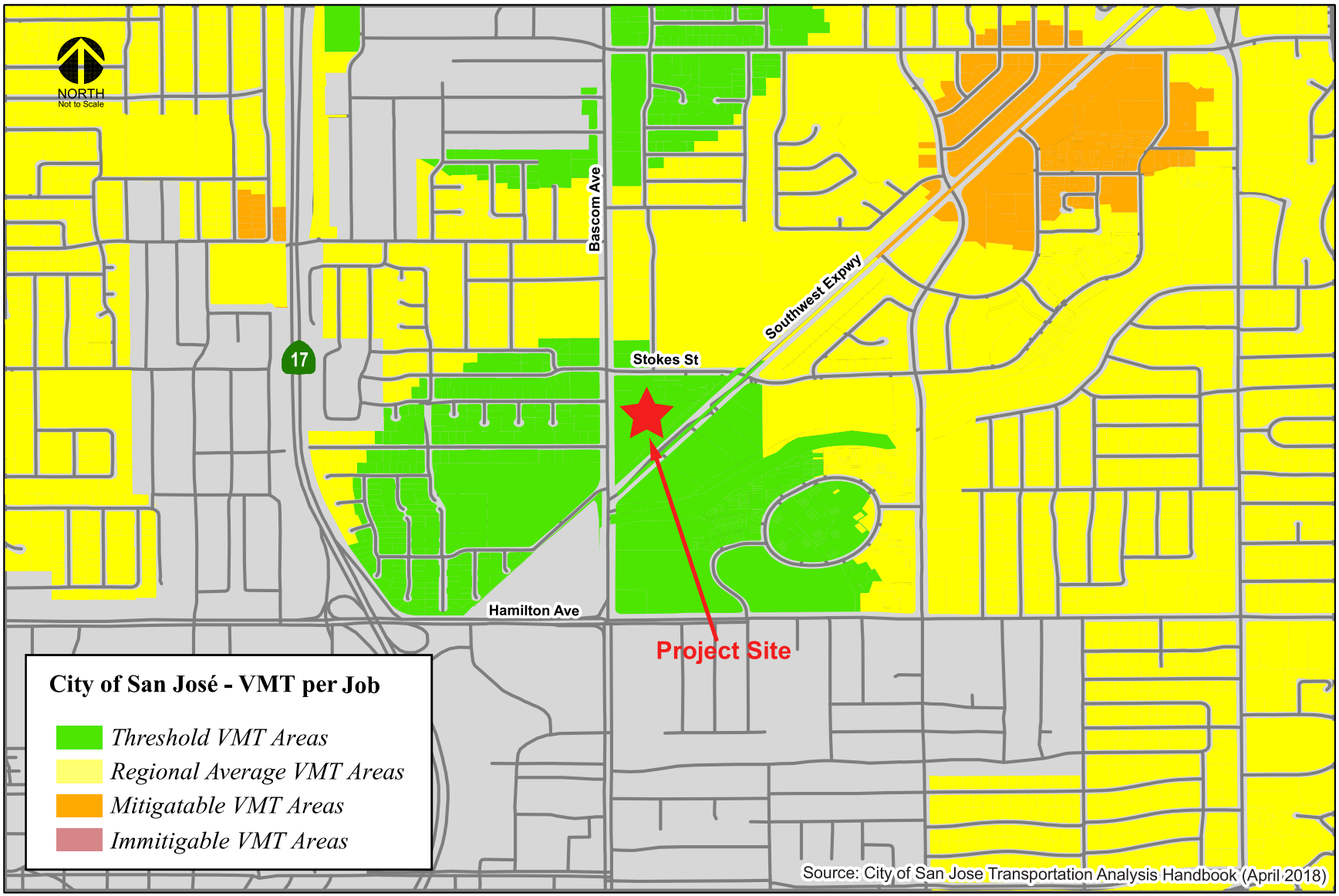

Hexagon Transportation Consultants, Inc., April 29, 2019.

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Exhibit 7
VMT per Job Heat Map in Project Area

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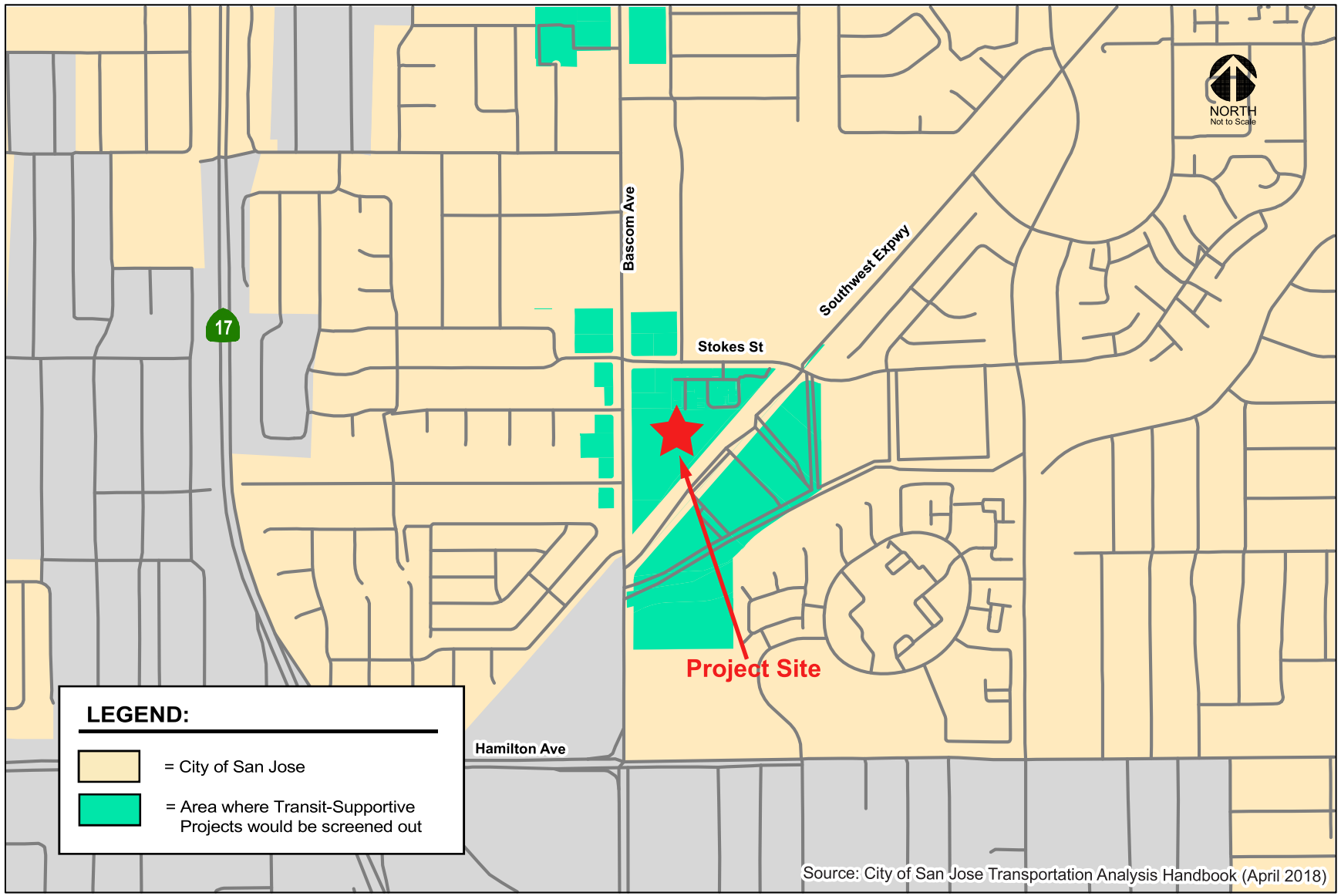

Hexagon Transportation Consultants, Inc., April 29, 2019.

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Exhibit 8
Low VMT per Job Areas

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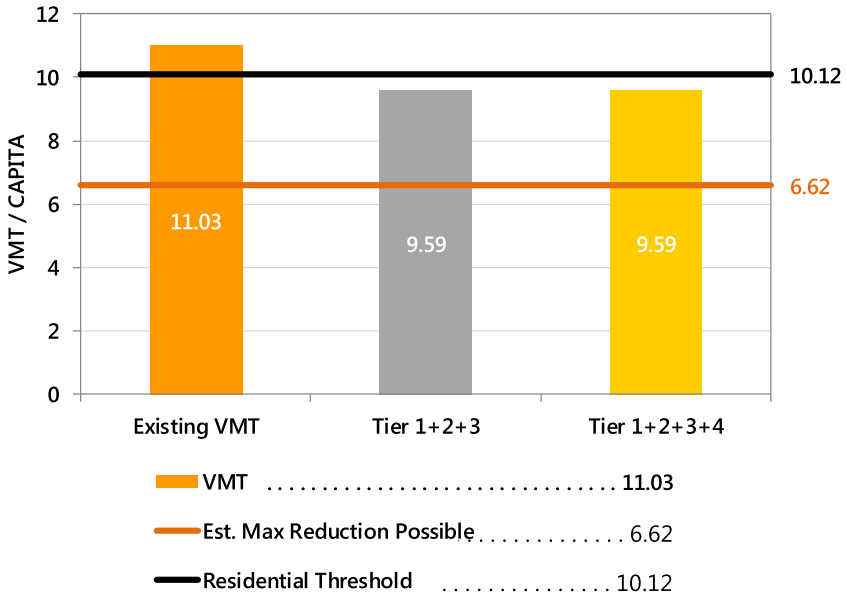
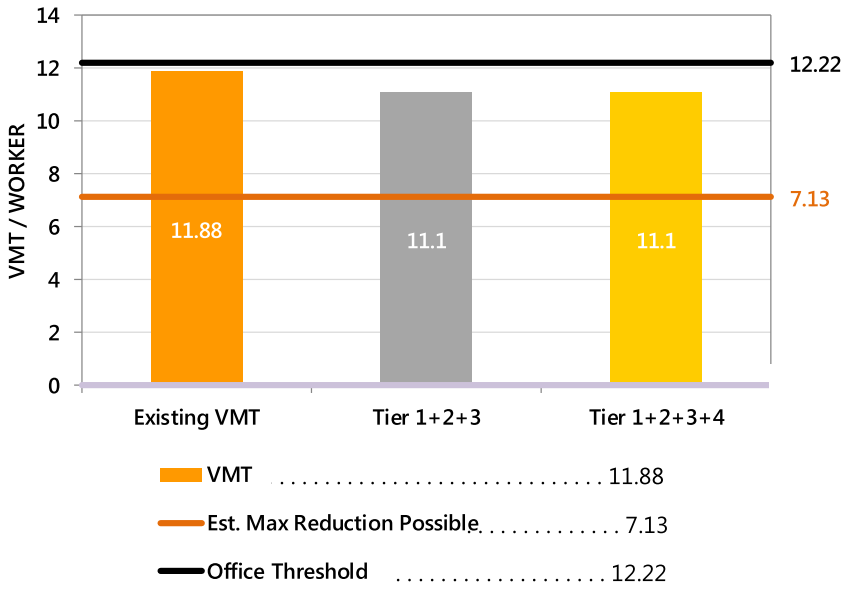
RESIDENTIAL ONLY

The tool estimates that the project would generate per capita VMT below the City's threshold. There are selected strategies that require coordination with the City of San Jose to implement.



EMPLOYMENT ONLY

The tool estimates that the project would generate per non-industrial worker VMT below the City's threshold. There are selected strategies that require coordination with the City of San Jose to implement.



Hexagon Transportation Consultants, Inc., April 29, 2019.

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Exhibit 9
VMT Analysis Summary

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The results of the VMT evaluation, using the City's VMT Evaluation Tool, indicate that the proposed project is projected to generate VMT per capita per resident of 9.59 and VMT per employee 11.1 that are below the established thresholds. Therefore, the proposed project would not result in an impact on the transportation system based on the City's VMT impact criteria.

The reduction in per-capita VMT and per-employee VMT could be indicative of the addition of residents and jobs in close proximity to one another and in an area with extensive opportunities for the use of transit, bicycles, and other non-auto modes of travel. In addition, the project site is adjacent to the Bascom Light Rail Transit (LRT) Station and supported by bicycle and pedestrian facilities in its immediate proximity. Therefore, a larger percentage of the residents and employees who live and work within the project site would likely use transit more regularly than the average transit usage for these land uses in Santa Clara County. The increase in transit usage will result in less and a reduction of length of those trips that are added to the roadway system due to the proposed project. Impacts would be less than significant.

Cumulative (General Plan Consistency) Evaluation

Projects must demonstrate consistency with the Envision San José 2040 General Plan to address cumulative impacts. Consistency with the City's General Plan is based on the project's density, design, and conformance to the General Plan goals and policies. If a project is determined to be inconsistent with the General Plan, a cumulative impact analysis is required as part of the City's Transportation Analysis Handbook.

The project is located within the South Bascom Avenue Urban Village. On May 8, 2018, the City of San José adopted the South Bascom Urban Village Plan. The South Bascom Urban Village Plan provides a vision for the transformation of South Bascom Avenue into a more urban and walkable corridor. The adopted South Bascom Urban Village Plan will be the City's official Planning policy document for the corridor, providing goals, policies, actions, and urban design guidelines to guide private and public investment to achieve this vision. The South Bascom Urban Village Plan identifies the following goals and policies to improve traffic flow, alternative transportation options, and reduce neighborhood cut-through traffic.

- **Policy LU-2.1:** Encourage mixed-use residential projects to be built at densities of 70 dwelling units to the acre or greater. Projects that are primarily commercial or have a strong commercial focus can include a residential component that is less dense.
- **Goal LU-3:** Ensure that new development and area improvements increase access to public space and to alternate modes of transportation.
- **Policy LU-3.1:** Strongly encourage mixed-uses and intensities that support transit ridership, walking, and biking.
- **Policy LU-3.2:** Incorporate publicly-accessible space in larger developments, especially mixed-use residential projects. Spaces could include publicly accessible plazas that are privately owned and maintained.
- **Policy P-2.1:** Integrate publicly-accessible, but privately-owned pocket parks and plazas into new development that are attractive, vibrant, and provide ideal gathering spaces for the community.
- **Policy CS-1.2:** Encourage street design standards that balance mobility for all transportation modes.

- **Policy CS-1.3:** Utilize colored bicycle facilities (i.e. bike lanes) at conflict areas such as intersections, where appropriate, per the City's Complete Streets Guidelines.
- **Policy CS-2.1:** Support right-of-way design and pedestrian amenities that make it easier to access transit services and encourage transit use as a viable alternative to driving.
- **Policy CS-2.2:** Improve multi-modal access to the Bascom VTA Light Rail Station
- **Policy CS-3.1:** Develop a beautifully landscaped, protected cycle track along South Bascom Avenue as a centerpiece of the Urban Village streetscape. Expand the bicycle network with east-west connections on Moorpark and Parkmoor Avenues, and along Aram Avenue/Romero Street/Stokes Streets.
- **Policy CS-4.3:** Improve the streetscape environment with crosswalks, mid-block pedestrian refuges, ADA [Americans with Disabilities Act] accessible sidewalks, and amenities that enrich the pedestrian experience such as landscape planters, shade trees, improved lighting, and benches.
- **Policy CS-4.4:** Provide 20-foot minimum sidewalk width along South Bascom Avenue in all future development projects. Where the sidewalk in front of a development project falls short, the project must make up the difference so that the entire 20 feet is publicly accessible and functions as a sidewalk.

The project is consistent with the General Plan and South Bascom Urban Village goals and policies for the following reasons:

- The proposed residential and office land uses for the project site are consistent with the Urban Village land use designation and Transit Oriented Development (TOD) Character per the South Bascom Urban Village Plan.
- The project is composed of a mix of land uses (employment and residential) that complement one another and will promote a reduction in auto trips.
- A public park/plaza is proposed on-site and will provide a dedicated non-auto pathway to transit services.
- The project frontage along South Bascom Avenue will be designed to accommodate the planned South Bascom Avenue Complete Street improvements including protected bicycle lanes, wider sidewalks, and other pedestrian safety features.
- The proposed pedestrian improvements for the project site are consistent with the TOD Gateway Character Area described in the South Bascom Urban Village Plan.
- The project site is adjacent to a bus stop and bicycle lanes on South Bascom Avenue.
- The project site is adjacent to the Bascom LRT Station.
- The project would increase the employment density in the project area.

Therefore, based on the project description, the proposed project would be consistent with the Urban Village Planning Concepts and the Envision San José 2040 General Plan. Thus, the project would be considered as part of the cumulative solution to meet the General Plan's long-range transportation goals and would result in a less-than-significant cumulative impact.

Congestion Management Plan Analysis

Based on the CMP criteria, a project would fail to meet the CMP or County Expressway intersection standard if the additional project traffic caused one of the following during either peak-hour:

1. The level of service at the intersection degrades from an acceptable LOS E or better under background conditions to an unacceptable LOS F under project conditions, or
2. The level of service at the intersection is an unacceptable LOS F under background conditions and the addition of project trips causes both the critical-movement delay at the intersection to increase by four or more.

The proposed project would add new trips to I-280, I-880, and SR-17, which are all congestion management plan facilities. Table 21 and Table 22 summarize freeway segment operations on those facilities. The operations analysis shows that the project would not have an adverse effect on freeway operations. Impacts would be less than significant.

The results of the freeway segment analysis show that the proposed project would not result in significant increases in traffic volumes (one percent or more of freeway segment capacities) on any of the study freeway segments currently operating at LOS F, and none of the study freeway segments currently operating at LOS E or better would degrade to LOS F as a result of the project.

Table 21: Existing Freeway Levels of Service

#	Freeway	Segment	Direction	Peak Hour	Mixed-Flow Lane					HOV Lane				
					Avg. Speed[1]	# of Lanes[1]	Volume[1]	Density[1]	LOS[1]	Avg. Speed[1]	# of Lanes[1]	Volume[1]	Density[1]	LOS[1]
1	I-280	From Lawrence Expressway to Saratoga Avenue	EB	AM	59	3	6,550	37	D	67	1	940	14	B
			EB	PM	23	3	5,320	**77**	**F**	40	1	2,080	52	E
2	I-280	From Saratoga Avenue to Winchester Boulevard	EB	AM	63	3	6,430	34	D	67	1	880	13	B
			EB	PM	15	3	4,320	**96**	**F**	40	1	2,520	**63**	**F**
3	I-280	From Winchester Boulevard to I-880	EB	AM	66	3	4,360	22	C	67	1	1,080	16	B
			EB	PM	14	3	4,250	**101**	**F**	30	1	2,010	**67**	**F**
4	I-280	From I-880 to Meridian Avenue	EB	AM	66	3	4,560	23	C	67	1	810	12	B
			EB	PM	13	3	3,980	**102**	**F**	30	1	2,430	**81**	**F**
5	I-280	From Meridian Avenue to Bird Avenue	EB	AM	47	4	8,650	46	D	—	—	—	—	—
			EB	PM	13	4	5,410	**104**	**F**	—	—	—	—	—
6	I-280	From Bird Avenue to SR-87	EB	AM	66	4	5,550	21	C	—	—	—	—	—
			EB	PM	22	4	6,960	**79**	**F**	—	—	—	—	—
7	SR 17	From SR-85 to San Tomas Expressway/Camden Avenue	NB	AM	66	3	4,760	24	C	—	—	—	—	—
			NB	PM	66	3	3,770	19	C	—	—	—	—	—
8	SR 17	From San Tomas Expressway/Camden Avenue to Hamilton Avenue	NB	AM	40	3	6,240	52	E	—	—	—	—	—
			NB	PM	67	3	3,600	18	B	—	—	—	—	—
9	SR 17	From Hamilton Avenue to I-280	NB	AM	34	3	6,020	**59**	**F**	—	—	—	—	—
			NB	PM	66	3	5,150	26	C	—	—	—	—	—
10	I-880	From I-280 to Stevens Creek Boulevard	NB	AM	15	3	4,410	**98**	**F**	—	—	—	—	—
			NB	PM	67	3	2,220	11	A	—	—	—	—	—

Table 21 (cont.): Existing Freeway Levels of Service

#	Freeway	Segment	Direction	Peak Hour	Mixed-Flow Lane					HOV Lane				
					Avg. Speed[1]	# of Lanes[1]	Volume[1]	Density[1]	LOS[1]	Avg. Speed[1]	# of Lanes[1]	Volume[1]	Density[1]	LOS[1]
11	I-880	From Stevens Creek Boulevard to North Bascom Avenue	NB	AM	10	3	3,480	**116**	**F**	—	—	—	—	—
			NB	PM	22	3	5,150	**78**	**F**	—	—	—	—	—
12	I-880	From North Bascom Avenue to The Alameda	NB	AM	27	3	5,510	**68**	**F**	—	—	—	—	—
			NB	PM	14	3	4,250	**101**	**F**	—	—	—	—	—
13	I-880	From The Alameda to North Bascom Avenue	SB	AM	65	3	5,850	30	D	—	—	—	—	—
			SB	PM	36	3	6,050	56	E	—	—	—	—	—
14	I-880	From North Bascom Avenue to Stevens Creek Boulevard	SB	AM	28	3	5,630	**67**	**F**	—	—	—	—	—
			SB	PM	48	3	6,480	45	D	—	—	—	—	—
15	I-880	From Stevens Creek Boulevard to I-280	SB	AM	66	3	4,760	24	C	—	—	—	—	—
			SB	PM	66	3	5,150	26	C	—	—	—	—	—
16	SR 17	From I-280 to Hamilton Avenue	SB	AM	64	3	6,150	32	D	—	—	—	—	—
			SB	PM	35	3	6,090	58	E	—	—	—	—	—
17	SR 17	From Hamilton Avenue to San Tomas Expressway/Camden Avenue	SB	AM	66	3	4,490	23	C	—	—	—	—	—
			SB	PM	65	3	6,860	35	D	—	—	—	—	—
18	SR 17	From San Tomas Expressway/Camden Avenue to SR-85	SB	AM	66	3	3,770	19	C	—	—	—	—	—
			SB	PM	66	3	4,950	25	C	—	—	—	—	—
19	I-280	From SR-87 to Bird Avenue	WB	AM	13	4	5,310	**102**	**F**	—	—	—	—	—
			WB	PM	19	4	6,390	**84**	**F**	—	—	—	—	—
20	I-280	From Bird Avenue to Meridian Avenue	WB	AM	13	4	5,310	**102**	**F**	—	—	—	—	—
			WB	PM	57	4	8,900	39	D	—	—	—	—	—

Table 21 (cont.): Existing Freeway Levels of Service

#	Freeway	Segment	Direction	Peak Hour	Mixed-Flow Lane					HOV Lane				
					Avg. Speed[1]	# of Lanes[1]	Volume[1]	Density[1]	LOS[1]	Avg. Speed[1]	# of Lanes[1]	Volume[1]	Density[1]	LOS[1]
21	I-280	From Meridian Avenue to I-880	WB	AM	10	3	3,880	**129**	**F**	13	1	1,340	**103**	**F**
			WB	PM	66	3	4,720	24	C	70	1	700	10	A
22	I-280	From I-880 to Winchester Boulevard	WB	AM	12	3	3,860	**107**	**F**	15	1	1,430	**95**	**F**
			WB	PM	51	3	6,580	43	D	70	1	1,400	20	C
23	I-280	From Winchester Boulevard to Saratoga Avenue	WB	AM	17	3	4,590	**90**	**F**	20	1	1,640	**82**	**F**
			WB	PM	55	3	6,600	40	D	70	1	1,120	16	B
24	I-280	From Saratoga Avenue to Lawrence Expressway	WB	AM	22	3	5,150	**78**	**F**	26	1	1,820	**70**	**F**
			WB	PM	66	3	5,310	27	D	70	1	1,050	15	B

Notes:
[1] Source: Santa Clara Valley Transportation Authority Congestion Management Program Monitoring Study, 2016.
Bold indicates unacceptable LOS.
Source: Hexagon 2018.

Table 22: Freeway Segment Levels of Service under Project Conditions

#	Freeway	Segment	Direction	Peak Hour	Existing Plus Project												Project Trip				
					Mixed-Flow Lane						HOV Lane							Mixed-Flow Lane		HOV Lane	
					Avg. Speed[1]	# of Lanes[1]	Capacity (vph)	Volume	Density	LOS	Avg. Speed[1]	# of Lanes[1]	Capacity (vph)	Volume	Density	LOS	Total Volume	Volume	Percent of Capacity	Volume	Percent of Capacity
1	I-280	From Lawrence Expressway to Saratoga Avenue	EB	AM	59	3	6,900	6,588	37	D	67	1	1,650	946	14	B	44	38	0.55	6	0.36
			EB	PM	23	3	6,900	5,337	**77**	**F**	40	1	1,650	2,087	52	E	24	17	0.25	7	0.42
2	I-280	From Saratoga Avenue to Winchester Boulevard	EB	AM	63	3	6,900	6,469	34	D	67	1	1,650	885	13	B	44	39	0.57	5	0.30
			EB	PM	15	3	6,900	4,335	**96**	**F**	40	1	1,650	2,529	**63**	**F**	24	15	0.22	9	0.55
3	I-280	From Winchester Boulevard to I-880	EB	AM	66	3	6,900	4,391	22	C	67	1	1,650	1,088	16	B	39	31	0.45	8	0.48
			EB	PM	14	3	6,900	4,265	**102**	**F**	30	1	1,650	2,017	**67**	**F**	22	15	0.22	7	0.42
4	I-280	From I-880 to Meridian Avenue	EB	AM	66	3	6,900	4,563	23	C	67	1	1,650	811	12	B	4	3	0.04	1	0.06
			EB	PM	13	3	6,900	3,981	**102**	**F**	30	1	1,650	2,431	**81**	**F**	2	1	0.01	1	0.06
5	I-280	From Meridian Avenue to Bird Avenue	EB	AM	47	4	9,200	8,676	46	D	—	—	—	—	—	—	26	26	0.28	—	—
			EB	PM	13	4	9,200	5,470	**105**	**F**	—	—	—	—	—	—	60	60	0.65	—	—
6	I-280	From Bird Avenue to SR-87	EB	AM	66	4	9,200	5,576	21	C	—	—	—	—	—	—	26	26	0.28	—	—
			EB	PM	22	4	9,200	7,020	**80**	**F**	—	—	—	—	—	—	60	60	0.65	—	—
7	SR 17	From SR-85 to San Tomas Expressway/Camden Avenue	NB	AM	66	3	6,900	4,801	24	C	—	—	—	—	—	—	41	41	0.59	—	—
			NB	PM	66	3	6,900	3,788	19	C	—	—	—	—	—	—	18	18	0.26	—	—
8	SR 17	From San Tomas Expressway/Camden Avenue to Hamilton Avenue	NB	AM	40	3	6,900	6,281	52	E	—	—	—	—	—	—	41	41	0.59	—	—
			NB	PM	67	3	6,900	3,618	18	B	—	—	—	—	—	—	18	18	0.26	—	—
9	SR 17	From Hamilton Avenue to I-280	NB	AM	34	3	6,900	6,074	**60**	**F**	—	—	—	—	—	—	54	54	0.78	—	—
			NB	PM	66	3	6,900	5,243	26	C	—	—	—	—	—	—	93	93	1.35	—	—

Table 22 (cont.): Freeway Segment Levels of Service under Project Conditions

#	Freeway	Segment	Direction	Peak Hour	Existing Plus Project												Project Trip				
					Mixed-Flow Lane						HOV Lane							Mixed-Flow Lane		HOV Lane	
					Avg. Speed[1]	# of Lanes[1]	Capacity (vph)	Volume	Density	LOS	Avg. Speed[1]	# of Lanes[1]	Capacity (vph)	Volume	Density	LOS	Total Volume	Volume	Percent of Capacity	Volume	Percent of Capacity
10	I-880	From I-280 to Stevens Creek Boulevard	NB	AM	15	3	6,900	4,445	**99**	**F**	—	—	—	—	—	—	35	35	0.51	—	—
			NB	PM	67	3	6,900	2,275	11	A	—	—	—	—	—	—	55	55	0.80	—	—
11	I-880	From Stevens Creek Boulevard to North Bascom Avenue	NB	AM	10	3	6,900	3,515	**117**	**F**	—	—	—	—	—	—	35	35	0.51	—	—
			NB	PM	22	3	6,900	5,205	**79**	**F**	—	—	—	—	—	—	55	55	0.80	—	—
12	I-880	From North Bascom Avenue to The Alameda	NB	AM	27	3	6,900	5,545	**68**	**F**	—	—	—	—	—	—	35	35	0.51	—	—
			NB	PM	14	3	6,900	4,305	**103**	**F**	—	—	—	—	—	—	55	55	0.80	—	—
13	I-880	From The Alameda to North Bascom Avenue	SB	AM	65	3	6,900	5,898	30	D	—	—	—	—	—	—	48	48	0.70	—	—
			SB	PM	36	3	6,900	6,086	56	E	—	—	—	—	—	—	36	36	0.52	—	—
14	I-880	From North Bascom Avenue to Stevens Creek Boulevard	SB	AM	28	3	6,900	5,678	**68**	**F**	—	—	—	—	—	—	48	48	0.70	—	—
			SB	PM	48	3	6,900	6,516	45	D	—	—	—	—	—	—	36	36	0.52	—	—
15	I-880	From Stevens Creek Boulevard to I-280	SB	AM	66	3	6,900	4,808	24	C	—	—	—	—	—	—	48	48	0.70	—	—
			SB	PM	66	3	6,900	5,186	26	C	—	—	—	—	—	—	36	36	0.52	—	—
16	SR 17	From I-280 to Hamilton Avenue	SB	AM	64	3	6,900	6,232	32	D	—	—	—	—	—	—	82	82	1.19	—	—
			SB	PM	35	3	6,900	6,146	**59**	**F**	—	—	—	—	—	—	56	56	0.81	—	—
17	SR 17	From Hamilton Avenue to San Tomas Expressway/Camden Avenue	SB	AM	66	3	6,900	4,508	23	C	—	—	—	—	—	—	18	18	0.26	—	—
			SB	PM	65	3	6,900	6,904	35	D	—	—	—	—	—	—	44	44	0.64	—	—
18	SR 17	From San Tomas Expressway/Camden Avenue to SR-85	SB	AM	66	3	6,900	3,788	19	C	—	—	—	—	—	—	18	18	0.26	—	—
			SB	PM	66	3	6,900	4,994	25	C	—	—	—	—	—	—	44	44	0.64	—	—

Table 22 (cont.): Freeway Segment Levels of Service under Project Conditions

#	Freeway	Segment	Direction	Peak Hour	Existing Plus Project												Project Trip				
					Mixed-Flow Lane						HOV Lane							Mixed-Flow Lane		HOV Lane	
					Avg. Speed[1]	# of Lanes[1]	Capacity (vph)	Volume	Density	LOS	Avg. Speed[1]	# of Lanes[1]	Capacity (vph)	Volume	Density	LOS	Total Volume	Volume	Percent of Capacity	Volume	Percent of Capacity
19	I-280	From SR-87 to Bird Avenue	WB	AM	13	4	9,200	5,366	**103**	**F**	—	—	—	—	—	—	56	56	0.61	—	—
			WB	PM	19	4	9,200	6,417	**84**	**F**	—	—	—	—	—	—	27	27	0.29	—	—
20	I-280	From Bird Avenue to Meridian Avenue	WB	AM	13	4	9,200	5,366	**103**	**F**	—	—	—	—	—	—	56	56	0.61	—	—
			WB	PM	57	4	9,200	8,927	39	D	—	—	—	—	—	—	27	27	0.29	—	—
21	I-280	From Meridian Avenue to I-880	WB	AM	10	3	6,900	3,881	**129**	**F**	13	1	1,650	1,341	**103**	**F**	2	1	0.01	1	0.06
			WB	PM	66	3	6,900	4,724	24	C	70	1	1,650	701	10	A	5	4	0.06	1	0.06
22	I-280	From I-880 to Winchester Boulevard	WB	AM	12	3	6,900	3,875	**108**	**F**	15	1	1,650	1,436	**96**	**F**	21	15	0.22	6	0.36
			WB	PM	51	3	6,900	6,615	43	D	70	1	1,650	1,408	20	C	43	35	0.51	8	0.48
23	I-280	From Winchester Boulevard to Saratoga Avenue	WB	AM	17	3	6,900	4,608	**90**	**F**	20	1	1,650	1,646	**82**	**F**	24	18	0.26	6	0.36
			WB	PM	55	3	6,900	6,641	40	D	70	1	1,650	1,127	16	B	48	41	0.59	7	0.42
24	I-280	From Saratoga Avenue to Lawrence Expressway	WB	AM	22	3	6,900	5,168	**78**	**F**	26	1	1,650	1,826	**70**	**F**	24	18	0.26	6	0.36
			WB	PM	66	3	6,900	5,350	27	D	70	1	1,650	1,058	15	B	48	40	0.58	8	0.48

Notes:
[1] Source: Santa Clara Valley Transportation Authority Congestion Management Program Monitoring Study, 2016.
Bold indicates unacceptable LOS.
Boxed indicates significant impact.
Source: Hexagon 2018.

3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less than significant impact. Hexagon estimated that the proposed project would generate 1,930 net new daily trips, 414 AM net new peak-hour trips, and 420 PM net new peak-hour trips. The transportation analysis evaluated the adequacy of the site's access points with regard to the following: traffic volume, delays, vehicle queues, geometric design, and corner sight distance. On-site vehicular circulation was reviewed in accordance with generally accepted traffic engineering standards and transportation planning principles. The following are the findings.

Congestion Management Plan Analysis

Based on the CMP criteria, a project would fail to meet the CMP or County Expressway intersection standard if the additional project traffic caused one of the following during either peak-hour:

1. The LOS at the intersection degrades from an acceptable LOS E or better under background conditions to an unacceptable LOS F under project conditions, or
2. The LOS at the intersection is an unacceptable LOS F under background conditions and the addition of project trips causes both the critical-movement delay at the intersection to increase by four or more.

The proposed project would add new trips to I-280, I-880, and SR-17, which are all congestion management plan facilities. Table 22 and Table 23 summarize freeway segment operations on those facilities. The intersection operations analysis shows that the project would not have an adverse effect on freeway operations. Impacts would be less than significant.

The results of the freeway segment analysis show that the proposed project would not result in significant increases in traffic volumes (1 percent or more of freeway segment capacities) on any of the study freeway segments currently operating at LOS F, and none of the study freeway segments currently operating at LOS E or better would degrade to LOS F as a result of the project.

Site Access and On-site Circulation

Project Driveway Design

The residential and office buildings of the project site will be bisected by a public pedestrian paseo that will run between South Bascom Avenue and the Bascom Light Rail Station. Therefore, the residential and office buildings served by separate access points with no vehicular connection provided between each building.

Vehicular access to the office building will be provided via one new full-access signalized driveway along South Bascom Avenue at Pamlar Avenue. The driveway will provide direct access to the office parking garage and form the fourth leg of the new traffic signal. A second right-in, right-out driveway located at the southern project site boundary will provide access to a loading area. However, access to parking will not be provided from the southern driveway.

Vehicular access to the residential component of the project would be provided via two right-in/right-out driveways along South Bascom Avenue. The southernmost driveway will provide direct

access to the residential parking garage for both visitors and residents. The northern driveway will provide access to the parking garage, for residents only, as well as a loading area via a drive aisle that runs along the project's northern boundary.

A pedestrian pathway, that will run along the perimeter of the project site, will connect the northern residential drive aisle and southern office driveway project. Removable bollards are proposed to be installed along the north drive aisle to restrict access to emergency vehicles only.

The site plans indicate that the office parking garage driveway will be 40 feet wide with one 12-foot inbound lane and two 12-foot outbound lanes separated by two 2-foot raised medians. The City has requested removal of the raised median islands and a reduction in width of the outbound lands be considered to reduce the total width of the office parking garage driveway to 36 feet. The southern driveway serving the residential parking garage will provide one inbound and one outbound lane with a total width of 26 feet. Therefore, the project driveways that provide direct access from South Bascom Avenue to the proposed parking garages would satisfy the City's driveway width requirement.

In addition to providing a 20-foot sidewalk along the project frontage, the site driveways design must ensure the safe travel of pedestrians and bicyclists along South Bascom Avenue. Appropriate visible and/or audible warning signals should be provided at the project driveways to alert pedestrians and bicyclists of vehicles exiting the driveway. In addition, the design of the driveways may require implementation of egress control within the parking garages, signage, relocation, resizing, and possible elimination of the driveways. Safety improvements such as bicycle signal detection and/or bike boxes also will be required at the Pamlar Avenue driveway.

Therefore, project driveway design would not have any adverse effects

Project Driveway Operations

The queuing analysis indicates that the maximum vehicle queue for the southbound left-turn pocket at the Bascom Avenue and Pamlar Avenue signal is projected to be no more than four vehicles. Additionally, the maximum vehicle queues for the westbound left-turn lane and right-turn lane (office parking garage exit) at the Bascom Avenue and Pamlar Avenue signal are projected to be approximately 200 and 125 feet, respectively, and the maximum vehicle queue for the northbound left-turn pocket at the Bascom Avenue and Pamlar Avenue signal is projected to be approximately 200 feet.

Operational issues are not expected to occur at the uncontrolled project driveways on Bascom Avenue since turn movements will be limited to right-turns only. Therefore, project driveway operations, such as queuing, would not have any adverse effects.

On-Site Circulation

The project will adhere to City of San José design guidelines and standards. The applicant has worked with City staff to ensure that the design of all driveways, drive aisles, and parking stalls within each of the parking garages is to the satisfaction of the City.

The site layout will provide for the continuous circulation of pedestrians and bicyclists around and through the project site. A pedestrian only pathway with landscaping will run along the perimeter of

the entire site. In addition, a park/plaza will bisect the residential and office buildings providing a connection between South Bascom Avenue and the Bascom Avenue Light Rail Station. The provided pathways and park/plaza appear to be a minimum of 30-feet in width, which will be wide enough to accommodate the free flow of pedestrians. The development of the project will result in a significant improvement of the pedestrian environment along its frontage with implementation of wider sidewalks that are separated from parking areas and redesigned and relocated driveways with limited access. The project proposes to widen the existing 8-foot-wide sidewalk located along the project frontage on South Bascom Avenue. Direct access to the South Bascom Avenue sidewalk will be provided via several building entrances and the park/plaza.

Pedestrian circulation within the parking garages would generally be adequate, with pedestrians having to walk within the drive aisles. Each of the parking garages also includes a few areas with elevators and stairs so that pedestrians would have convenient access to them from any part of the garage.

Bicycle parking and storage would be located in several areas of the residential building near entrances. The location of bicycle parking and storage would allow bicyclists to enter/leave the building using the parking garage and building entrances and connect to the bike lanes on South Bascom Avenue and the Light Rail Station. Therefore, on-site circulation would not have any adverse effects.

Truck Access and Circulation

The trash room will be located adjacent to the loading area for the office building so that garbage pick-up can occur off-street, similar to that proposed for the residential building. Therefore, truck access and circulation would not have any adverse effects.

Bicycles and Pedestrians

As discussed previously, the project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses, and impacts would result in a less than significant impact.

4) Result in inadequate emergency access?

Less than significant impact. Emergency vehicles access would be provided via the two project driveways on South Bascom Avenue that provide access to the two designated loading areas described above. Emergency vehicles could enter the site via one of the two driveways and utilize the pedestrian pathway that runs along the project site perimeter to access a specific part of the proposed buildings. The City of San José Fire Code requires driveways to provide at least 20 feet for fire access. The project driveways are proposed to be at least 26-feet wide, and therefore would comply with the City's Fire Code. Removable bollards are proposed to be located along the drive aisle/pathway, east of the parking garage entrance that runs along the north side of the residential building to prevent the use of pathway by non-emergency vehicles. Similar removal bollards would be placed just north of the office loading areas. Smaller emergency vehicles would also be able to access the parking garage but would be subject to the parking structure's maximum height clearance. Impacts would be less than significant.

Mitigation Measures

None.

3.17.2 - Conclusion

Impacts to transportation would be less than significant.

3.17.3 - Non-CEQA Considerations

SB 743, revised CEQA Guidelines, and Council Policy 5-1 promote the reduction of GHG emissions, the development of multi-modal transportation networks, and a diversity of land uses. Due to that, as a metric, vehicle miles traveled promotes those statutory purposes better than level of service and was determined to the significance metric under CEQA. Therefore, the following analysis is provided for informational purposes only.

Table 23 summarizes intersection operations. The intersection operations analysis shows that the project would not have an adverse effect on intersection operations at any of the study intersections based on applicable municipal standards. Similarly, the combination of trips generated by the proposed project and other pending projects in the vicinity would not result in an adverse effect on intersection operations under Cumulative Plus Project conditions.

Table 23: Intersection Levels of Service

Int. #	Intersection	Location	LOS Standard	Peak-hour	Count Date	Existing		Background		Background Plus Project				Cumulative		Cumulative Plus Project			
						Avg. Delay	LOS	Avg. Delay	LOS	Avg. Delay	LOS	Incr. In Crit. Delay	Incr. In Crit. V/C	Avg. Delay	LOS	Avg. Delay	LOS	Incr. In Crit. Delay	Incr. In Crit. V/C
1	South Bascom Avenue and Parkmoor Avenue	San José	D	AM	11/14/17	42.1	D	42.5	D	42.7	D	0.1	0.003	42.7	D	42.8	D	0.4	0.008
				PM	11/14/17	36.4	D	37.6	D	37.7	D	0.1	0.002	37.7	D	37.7	D	0.3	0.008
2	South Bascom Avenue and Moorpark Avenue*	San José	D	AM	11/07/17	45.7	D	49.3	D	49.4	D	0.2	0.003	49.6	D	49.6	D	0.9	0.009
				PM	10/06/16	**66.5**	**E**	**69.1**	**E**	**69.1**	**E**	**-0.1**	**0.004**	**69.4**	**E**	**69.5**	**E**	**0.5**	**0.013**
3	South Bascom Avenue and Fruitdale Avenue*	San José	D	AM	11/07/17	40.3	D	40.3	D	40.3	D	0.1	0.004	40.4	D	40.5	D	0.2	0.012
				PM	10/06/16	45.2	D	45.1	D	45.7	D	0.4	0.009	45.8	D	46.3	D	1.4	0.032
4	South Bascom Avenue and Downing Avenue	San José	D	AM	11/07/17	16.3	B	16.2	B	16.0	B	-0.1	0.004	16.1	B	15.9	B	0.0	0.018
				PM	11/07/17	16.3	B	16.1	B	15.8	B	-0.3	0.002	16.0	B	15.7	B	-0.7	0.012
5	South Bascom Avenue and Stokes Street* *(Located within an IOZ)*	San José	None	AM	10/11/16	34.1	C	34.0	C	34.4	C	0.2	0.007	36.3	D	36.8	D	2.8	0.060
				PM	10/11/16	28.9	C	28.7	C	29.8	C	2.7	0.034	32.0	C	32.9	C	5.3	0.071
6	Leigh Avenue and Hamilton Avenue	San José	D	AM	03/09/17	50.8	D	51.0	D	51.0	D	0.1	0.004	51.0	D	51.0	D	0.2	0.008
				PM	03/09/17	42.8	D	43.0	D	43.0	D	0.1	0.005	43.0	D	43.0	D	0.2	0.012
7	Southwest Expressway and Stokes Street	San José	D	AM	11/14/17	35.8	D	36.0	D	36.7	D	1.6	0.021	39.4	D	40.1	D	8.0	0.091
				PM	11/14/17	28.7	C	30.2	C	31.5	C	5.2	0.009	31.6	C	32.0	C	5.4	0.069
8	Southwest Expressway and Leigh Avenue	San José	D	AM	11/14/17	31.9	C	32.3	C	32.8	C	0.4	0.006	32.6	C	33.1	C	0.8	0.011
				PM	11/14/17	28.7	C	29.0	C	29.2	C	0.1	0.013	29.1	C	29.3	C	0.1	0.017
9	Leigh Avenue and Fruitdale Avenue	San José	D	AM	11/14/17	39.3	D	39.2	D	39.3	D	0.1	0.007	39.2	D	39.2	D	0.1	0.009
				PM	11/14/17	33.3	C	33.3	C	33.3	C	0.0	0.006	33.3	C	33.3	C	0.0	0.011
10	Southwest Expressway and Fruitdale Avenue	San José	D	AM	03/09/17	26.6	C	27.0	C	26.4	C	2.2	-0.024	27.1	C	27.1	C	0.2	0.021
				PM	03/09/17	30.8	C	31.3	C	31.3	C	0.2	0.014	31.3	C	31.3	C	0.3	0.027

Table 23 (cont.): Intersection Levels of Service

Int. #	Intersection	Location	LOS Standard	Peak-hour	Count Date	Existing		Background		Background Plus Project				Cumulative		Cumulative Plus Project			
						Avg. Delay	LOS	Avg. Delay	LOS	Avg. Delay	LOS	Incr. In Crit. Delay	Incr. In Crit. V/C	Avg. Delay	LOS	Avg. Delay	LOS	Incr. In Crit. Delay	Incr. In Crit. V/C
11	Greylands Drive and Hamilton Avenue	Campbell	D	AM	11/14/17	18.0	B	17.9	B	17.9	B	0.0	0.004	17.8	B	17.8	B	0.0	0.004
				PM	11/14/17	18.9	B	18.8	B	18.8	B	0.0	0.004	18.8	B	18.8	B	0.0	0.004
12	South Bascom Avenue and Hamilton Avenue*	Campbell	E	AM	03/09/17	50.3	D	50.9	D	53.2	D	2.7	0.050	52.8	D	55.8	E	4.4	0.050
				PM	01/02/17	51.4	D	52.2	D	52.8	D	-4.8	0.032	53.0	D	54.0	D	-3.9	0.046
13	Creekside Way and Hamilton Avenue*	Campbell	E	AM	03/09/17	23.4	C	22.9	C	24.5	C	0.9	0.025	23.3	C	24.6	C	1.6	0.036
				PM	12/01/16	25.1	C	25.5	C	26.0	C	0.8	0.021	26.0	C	26.6	C	0.9	0.022
14	Creekside Way and SR-17 NB Off-Ramp	Campbell	E	AM	11/14/17	11.6	B	11.5	B	11.6	B	0.0	0.014	11.5	B	11.6	B	0.0	0.014
				PM	11/14/17	14.7	B	15.0	B	15.1	B	0.0	0.006	15.0	B	15.1	B	0.0	0.006
15	SR-17 SB Ramps/Salmar Avenue and Hamilton Avenue*	Campbell	E	AM	03/09/17	36.5	D	38.8	D	41.8	D	4.6	0.026	40.6	D	44.3	D	5.9	0.026
				PM	12/13/16	53.5	D	56.1	E	58.1	E	3.9	0.032	58.9	E	61.9	E	5.7	0.032

Notes:
* Denotes CMP Intersection
Bold indicates unacceptable level of service.
Source: Hexagon 2018.

3.18 - UTILITIES AND SERVICE SYSTEMS

Applicable Plans, Policies and Regulations

National Pollutant Discharge Elimination System

Pursuant to Section 402 of the Clean Water Act and the Porter-Cologne Water Quality Control Act, municipal stormwater discharges are regulated under the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, Municipal Separate Storm Sewer Systems (MS4) Order No. 2013-001 (General Permit). In 1987, Congress amended the Clean Water Act to mandate controls on discharges from MS4s. Acting under the federal mandate and the California Water Code, the State Water Board require cities, towns, and counties to regulate activities that can result in pollutants entering their storm drains. All municipalities prohibit non-stormwater discharges to storm drains and require residents and businesses to use BMPs to minimize the amount of pollutants in runoff. The Municipal Regional Permit is overseen by the Regional Water Board. In 2013, the State Water Board reissued the Phase II Stormwater NPDES Permit for small MS4s. Provision E.12, "Post-Construction Stormwater Management Program," mandates municipalities to require specified features and facilities—to control pollutant sources, control runoff volumes, rates, and durations, and to treat runoff before discharge from the site—be included in development plans of projects that create or replace 5,000 square feet or more impervious surface as conditions of issuing approvals and permits. The new requirements continue a progression of increasingly stringent requirements since 1989.

In 2014, the Bay Area Stormwater Management Agencies Association (BASMAA), through the BASMAA Phase II Committee, created the BASMAA Manual to assist applicants for development approvals to prepare submittals that demonstrate their project complies with the NPDES permit requirements. Applicants who seek development approvals for applicable projects should follow the manual when preparing their submittals. The manual is designed to ensure compliance with the requirements and promote integrated LID design.

Section E.12.c of the General Permit pertains to LID and how it relates to hydromodification management. This Permit provision requires that stormwater discharges not cause an increase in the erosion potential of the receiving stream over the existing condition. Increases in runoff flow and volume must be managed so that the post-project runoff does not exceed estimated pre-project rates and durations, where such increased flow and/or volume is likely to cause increased potential for erosion of creek beds and banks, silt pollutant generation, or other adverse impacts on beneficial uses due to increased erosive force.

California Water Code Section 10910

Section 10910 of the California Water Code (as revised by SB 610) requires: "The city or county, at the time, that it determines whether an environmental impact report, a negative declaration, or a mitigated negative declaration is required for any project subject to the California Environmental Quality Act, pursuant to Section 21080.1 of the Public Resources Code, . . . [to] identify a water system . . . that may supply water for the project," and to prepare a Water Supply Assessment to address the increased water use over existing conditions. The Water Supply Assessment is intended to:

1. Identify the water system or systems that would (or may) supply water to the project;
2. Compare project water demands with those projections included in the most-recently adopted Urban Water Management Plan or Plans for those service providers; and
3. Assess whether the public water system's total projected water availability for the entire system(s) during normal, single dry, and multiple dry years over a 20-year period will meet the projected water demand associated with the proposed project, in addition to the public water system's existing and planned future uses (including agricultural and manufacturing uses).

California Water Code Section 10910(4)(d) requires a discussion of existing water supply entitlements, water rights, or water service contracts relevant to the public water system(s).

California Urban Water Management Planning Act

The Urban Water Management Planning Act (California Water Code §§ 10610-10656) requires that all urban water suppliers prepare Urban Water Management Plans (UWMPs) and update them every 5 years.

Santa Clara Valley Water District 2015 Urban Water Management Plan

Santa Clara Valley Water District (Valley Water) meets the definition of an urban water supplier and has prepared UWMPs since 1985. This 2015 UWMP documents information on water supply, water usage, recycled water, water conservation programs, water shortage contingency planning, and water supply reliability in Santa Clara County. It also serves as a resource for water supply planners and policy makers, and addresses the water supply future of Santa Clara County over the next 25 years. The 2015 UWMP updates and supersedes all previous UWMPs.

California Integrated Waste Management Act

To minimize the amount of solid waste that must be disposed of by transformation and land disposal, the State Legislature passed AB 939, the California Integrated Waste Management Act of 1989, effective January 1990. The legislation required each local jurisdiction in the State to set diversion requirements of 25 percent by 1995 and 50 percent by 2000; established a comprehensive statewide system of permitting, inspections, enforcement, and maintenance for solid waste facilities; and authorized local jurisdictions to impose fees based on the types or amounts of solid waste generated. In 2007, the requirements were amended to introduce a new per capita disposal and goal measurement system that moves the emphasis from an estimated diversion measurement number to using an actual disposal measurement number as a per capita disposal rate factor. As such, the new disposal-based indicator (pounds per person per year) uses only two factors: (1) a jurisdiction's population (or in some cases employment) and (2) its disposal as reported by disposal facilities.

Envision San José 2040 General Plan

The City General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to utilities and service systems and are applicable to the proposed project.

Envision San José 2040 Relevant Utilities and Service System Policies

Policy	Description
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
Policy MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.
Policy MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
Policy IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
Policy IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D," or development which would be served by downstream lines already operating at a LOS lower than "D," to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
Policy IN-3.7	Design new projects to minimize potential damage due to stormwater and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
Policy IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's NPDES permit.

3.18.1 - Environmental Checklist and Discussion of Impacts

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒	1-4
2. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐	1-4, 8

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
3. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	1-4
4. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐	1-4
5. Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐	1-4

The water analysis is this section is based on the draft Water Supply Assessment prepared by an José Water. The assessment is provided in Appendix H.

Impact Discussion

1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

No impact. As discussed in this IS/MND, the proposed project would be adequately served with water, wastewater, storm drainage, energy, and telecommunications facilities. No off-site improvements are necessary to serve the project. No impact would occur.

2) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than significant impact. San José Water Company provides potable water service to the project site. Existing land use activities demand an estimated 4,290 gallons of water per day. The proposed project would remove the existing uses and develop 600 dwelling units and 300,000 square feet of commercial space. As required by the State Water Code Section 10910, San José Water Company prepared a Water Supply Assessment (Appendix H) summarized as follows.

Demand

San José Water Company estimated the net change in project demand, which is shown in Table 24. As shown in the table, the net demand increase in water usage associated with this project is 294-acre-feet of water annually.

Table 24: Project Water Demand Estimate

Residential Units	Residential Demand Factor	Commercial Space	Commercial Demand Factor	New Project Water Demand	Existing Demand	Total Annual Project Demand
600 dwelling units	320 gallons/unit/day	300,000 square feet	0.25 gallon/square/day	267,000 gallons/day	4,290 gallons/day	294 acre-feet/year
Source: San José Water 2019.						

The project's water demand represents a 0.20 percent increase over the pre-drought system-wide 2013 water production value of 146,776-acre-feet. The project demand is within normal growth projections for water demand in the San José Water Company system. Furthermore, the project is located in one of San José Water Company's highest producing groundwater zones and the distribution system has been engineered to be hydraulically redundant and can easily transport water from other pressures zones to supplement additional demand, if needed.

Water Supply Sources and Planning

San José Water Company's potable water sources include imported water provided by Valley Water, groundwater pumped from the Santa Clara Valley Subbasin, surface water from Los Gatos Creek, and non-potable recycled water provided by South Bay Water Recycling. Combined, these sources totaled 108,415-acre-feet/year in 2015. San José Water Company forecasts demand increasing to 169,246-acre-feet/year in 2040. San José Water Company is able to meet the needs of the service area through at least 2035 for average and single-dry years without a call for water use reductions. Valley Water has determined that water shortages would occur in the event of a multiple-dry year scenario with or without this project and are evaluating supply projects and programs to minimize the need to call for water use reductions.

The proposed project's total annual water demand of 294 acre-feet is accounted for within these projections, as the project site is currently served by San José Water Company, and he City of San José's growth projections were the basis for forecasting future water demand. After evaluating the estimated increase in total system demand summarized in the Water Supply Assessment and based on both the San José Water Company and Valley Water Urban Water Management Plans, San José Water Company has determined that there is sufficient water available to serve the proposed project. Impacts would be less than significant.

3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less than significant impact. The project would increase wastewater and demand for wastewater treatment facilities. Wastewater from the project would be conveyed to the San José-Santa Clara Regional Wastewater Facility (RWF) in Alviso. The RWF must meet the strict regulatory requirements for treated water discharge, use of recycled water, and disposal of bio-solids.

Wastewater generation rates were conservatively estimated assuming that water demand is approximately 120 percent of wastewater generated. The City of San José currently does not have published wastewater generation factors. As discussed below, the project is anticipated to generate a demand for 262,220 gallons of water per day by commercial and residential components. Thus, the project would produce approximately 209,776 gallons of wastewater per day, or 76.6 million gallons per year. Table 25 summarizes the estimated wastewater demand from existing and proposed land uses.

Table 25: Estimated Wastewater Demand

Land Use Type/Project Component[1]	Quantity	Wastewater Generation (gallons per day)[2]
Existing		
Commercial Buildings	77,800 square feet	6,224
Proposed		
Residential	600 units	192,000
Commercial	300,000 square feet	24,000
	Total	209,776

Notes:
[1] Estimated water demand for proposed land uses assume maximum allowable development.
[2] Wastewater = ([water demand] x 0.8); (water demand—[20 percent of water demand])
Source: FCS 2018.

The project would increase the demand on wastewater treatment and water recycling facilities. However, demand on water and wastewater facilities is gradual. The estimated 209,776 gallons of wastewater generated per day represents approximately 0.13 percent of the RWF design capacity of 167 million gallons per day (mgd). Therefore, the RWF has sufficient capacity to serve the proposed project.

The RWF is permitted (CA-0037842, Water Board Order No. R2-2014-0032) to treat and discharge wastewater into the San Francisco Bay. The RWF is undergoing improvements to rebuild aging infrastructure and modernize operations. As part of the facility review to identify needed improvements, the City Capital Improvement Program (CIP) plans and implements selected projects recommended by the 2013 Plant Master Plan. The CIP identified projects began in 2014 and scheduled through 2023. The facility is currently undergoing a comprehensive infrastructure rehabilitation process including the installations of new dewatering and drying equipment and integrating on-site energy generation technologies. The $1.4 billion investment will ensure continued reliability and efficient operations across the facility.

Consistent with the City General Plan and the Citywide urban village planning efforts, the project site is located in an area anticipated to absorb future growth. Thus, the project's demand for wastewater treatment facilities is accounted for in the RWF forecasted demand. Furthermore, the project would implement applicable NPDES requirements including low-impact design features (e.g. bio-swales and integrated pervious surfaces throughout landscaped areas and public pathways).

Therefore, the project would not result in a substantial increase in an unanticipated wastewater demand. Impacts would be less than significant.

4) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less than significant impact. The General Plan EIR concluded that implementation of the General Plan would not exceed the capacity of existing landfills serving the City. Landfills that service the City include Guadalupe Mines, Kirby Canyon, and Newby Island. These three landfills collectively have 48 million cubic yards of remaining capacity.

The proposed project components would generate a total of approximately 2 tons of solid waste per day.[22] The site's total solid waste generated would increase, compared to existing conditions on-site (approximately 200 pounds per day). Thus, the project would generate approximately 730 tons of solid waste per year or 1,022 cubic yards of solid waste annually. The proposed project's annual waste generation would represents less than 0.01 percent of the remaining capacity at the three landfills that serve San José.

The City currently has one of the highest diversion rates in the nation and diverts approximately 73 percent of waste generated in the City. The project would result in an increase of approximately 198 tons of waste would be added to landfills serving the City. As a conservative analysis, the estimated waste generation does not account for waste generated from existing commercial uses. Furthermore, the project would be required to conform to City programs and policies to reduce solid waste generation. The City is served by landfills with adequate landfill capacity to accommodate future solid waste generation, and therefore, impacts would be less than significant.

5) Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?

Less than significant impact. Population and commercial growth would generate more amounts of solid waste. However, total waste generated resulting from proposed development would decrease through recycling, composting, and other methods. The City would require the project to comply with applicable federal, State, and local regulations related to solid waste. General Plan Policy MS-6.10 and MS-9.6 ensures that municipal waste and recycling programs will be conducted in safe and environmentally sound manner. Furthermore, General Plan Policy EC-6.3 informs and educates the public about the proper disposal of products containing hazardous substances under the City and County of Santa Clara programs for Household Hazardous Waste Disposal. Therefore, the project would not impede the ability of the City to meet waste diversion requirements or violate other applicable federal, State, and local statutes and regulations related to solid waste.

3.18.2 - Conclusion

Impacts to utilities and service systems would be less than significant.

[22] The project's solid waste generation is based on a solid waste generation rate of 2.5 pounds per 1,000 square feet per day for commercial retail space, and 5.31 pounds per unit per day for multi-family units. See, City of San José, Initial Study/Addendum for the *300 South Second Street Student Housing Project* (March 2017), at page 133. Website: http://www.sanjoseca.gov/DocumentCenter/View/66829. Accessed June 26, 2018.

3.19 - WILDFIRE

California Fire Code

The California Fire Code, codified as California Code of Regulations Title 24, Part 9, includes provisions associated with emergency planning and preparedness, fire protection systems, and means of egress. In the addition, the Fire Code provides appendices detailing fire-flow requirements for new buildings, fire hydrant locations and distribution, and fire apparatus access roads. The Fire Code is administered by local governments. New development projects must demonstrate compliance with applicable Fire Code requirements at the time building permits are issued.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following policies are specific to wildfire resources and are applicable to the proposed project.

Envision San José 2040 Relevant Wildfire Policies

Policies	Description
EC-8.1	Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.
EC-8.2	Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.
EC-8.3	For development proposed on parcels located within a very high fire hazard severity zone or wildland-urban interface area, implement requirements for building materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Code.
EC-8.4	Require use of defensible space vegetation management best practices to protect structures at and near the urban/wildland interface.

3.19.1 - Environmental Checklist and Impact Discussion

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	1
2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐	2
3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐	3

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐	4

Impact Discussion

1) Substantially impair an adopted emergency response plan or emergency evacuation plan?

Less than significant impact. The project would not modify any existing roadways in a way that would impede emergency access or evacuation. The project proposes to demolish the existing structures and remove a surface parking lot in order to construct an office building and residential building along South Bascom Avenue and the Southwest Expressway. Consistent with the City General Plan, the City would review the project to ensure adequate emergency vehicle access and pays development impact fees that contribute to cumulative circulation improvements.

The project is located on South Bascom Avenue, a major arterial roadway that connects to I-280 and is near the SR-17/Hamilton Avenue interchange. Thus, evacuating the project site during an emergency could be done using major streets suitable for such activity. Therefore, the project would have a less than significant impact on emergency responses or emergency evacuation plans.

2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Less than significant impact. The project site is located in an urbanized portion of the City of San José and is not within a Fire Hazard Severity Zone as mapped by the California Department of Forestry and Fire Protection (CAL FIRE). The project site is not susceptible to wildfires. No impact would occur.

3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Less than significant impact. The project site is located in an urbanized portion of the City of San José and has a lack of interface with any natural areas susceptible to wildfire. The project would not install wildfire infrastructure such as roads, fuel breaks, emergency water sources, or other items. No impact would occur.

4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Less than significant impact. The project site is located in an urbanized portion of the City of San José and would not expose people or structures to significant wildfire risks given its highly-urban location away from natural areas susceptible to wildfire. The project site is not susceptible to post-fire flooding, landslides, slope instability, or drainage changes. No impact would occur.

3.19.2 - Mitigation Measures

None.

3.19.3 - Conclusion

Impacts on wildlife fires would be less than significant.

3.20 - MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐	1-4
2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐	1-4
3. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	1-4

3.20.1 - Project Impacts

Less than significant impact with mitigation incorporated. The proposed project may result in several impacts associated with biological resources and cultural resources that would be significant if left unmitigated. MM BIO-1 and Standard Permit Conditions BR No. 1, BR-2, CR-1, CR-2 and CR No. 3 would fully mitigate all potential impacts to levels of less than significant. With the implementation of these mitigation measures, the proposed project would have less than significant impacts.

3.20.2 - Cumulative Impacts

Less than significant impact. All cumulative impacts related to air quality, noise, and traffic are either less than significant after mitigation or less than significant and do not require mitigation. Given the scope of the project and its impacts and mitigation measures, the incremental effects of this project are not considerable relative to the effects of past, current, and probably future projects. As discussed previously, the project does not have a significant cumulative traffic impact. Therefore, the proposed project would not result in cumulatively considerable impacts on these areas. Impacts would be less than significant.

3.20.3 - Direct or Indirect Adverse Effects on Human Beings

Less than significant impact. All impacts identified in this IS/MND are either less than significant after mitigation, or less than significant and do not require mitigation. Therefore, the proposed project would not result in environmental effects that cause substantial adverse effects on human beings either directly or indirectly. Impacts would be less than significant.

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SECTION 4: REFERENCES

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